

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 567

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2002, IDAHO CODE, TO PROVIDE  
ADDITIONAL FINDINGS AND DECLARATIONS OF NECESSITY; AMENDING SECTION  
50-2006, IDAHO CODE, TO REVISE STATUTORY PROVISIONS REGARDING AN URBAN  
RENEWAL AGENCY; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE POWERS  
OF URBAN RENEWAL; AMENDING SECTION 50-2010, IDAHO CODE, TO REVISE  
PROCEDURES FOR ACQUISITION OF PROPERTY; AMENDING SECTION 50-2011,  
IDAHO CODE, TO REVISE PROCEDURES FOR DISPOSAL OF PROPERTY IN AN URBAN  
RENEWAL AGENCY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
50-2012, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF  
BONDS; AMENDING SECTION 50-2017, IDAHO CODE, TO REVISE PROVISIONS ON  
INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES; AMENDING  
CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
50-2033, IDAHO CODE, TO PROVIDE FOR A PROHIBITED AMENDMENT TO AN URBAN  
RENEWAL PLAN; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION  
OF A NEW SECTION 50-2034, IDAHO CODE, TO PROVIDE FOR AMENDMENTS TO  
AN URBAN RENEWAL PLAN; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY  
THE ADDITION OF A NEW SECTION 50-2035, IDAHO CODE, TO PROVIDE FOR TAX  
AND SPECIAL ASSESSMENT EXEMPTIONS; AMENDING SECTION 50-2903, IDAHO  
CODE, TO REVISE DEFINITIONS; AMENDING SECTION 50-2904, IDAHO CODE,  
TO REVISE THE AUTHORITY TO CREATE A REVENUE ALLOCATION AREA; AMENDING  
SECTION 50-2907, IDAHO CODE, TO REVISE REQUIREMENTS FOR FILING AN  
ANNUAL REPORT WITH THE STATE TAX COMMISSION; AMENDING SECTION 50-2908,  
IDAHO CODE, TO PROVIDE FOR AN AMENDMENT TO THE BOUNDARIES AND TO PROVIDE  
FOR REVENUES FOR CERTAIN NEW REVENUE ALLOCATION AREAS; AMENDING TITLE  
50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 50, IDAHO  
CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND DECLARATIONS  
OF NECESSITY, TO PROVIDE FOR ENCOURAGEMENT OF PRIVATE ENTERPRISE, TO  
PROVIDE FOR A WORKABLE PROGRAM, TO PROVIDE FOR A FINDING OF NECESSITY  
BY A LOCAL GOVERNING BODY AND CREATION OF AN URBAN RENEWAL AGENCY, TO  
PROVIDE POWERS AND DUTIES OF AN URBAN RENEWAL AGENCY, TO PROVIDE FOR  
DETERIORATING AREAS, PRELIMINARY INVESTIGATIONS AND LIMITATIONS ON  
REVIEW, TO PROVIDE FOR A DETERIORATING AREA PLAN, CONTENTS AND APPROVAL  
OF A PLAN, TO PROVIDE FOR APPROVAL OF A DETERIORATING AREA PLAN BY  
ORDINANCE, NOTICE, DETERMINATIONS AND FINDINGS REQUIRED, TO PROVIDE  
FOR AMENDMENT TO A DETERIORATING AREA PLAN, TO PROVIDE A DISASTER  
PROVISION, TO PROVIDE FOR FINDINGS AND DECLARATIONS OF NECESSITY FOR  
AN ECONOMIC DEVELOPMENT AREA, TO PROVIDE ECONOMIC DEVELOPMENT AREAS,  
DETERIORATING AREAS, PRELIMINARY INVESTIGATION AND LIMITATIONS ON  
REVIEW, TO PROVIDE FOR CONTENTS AND APPROVAL OF AN ECONOMIC DEVELOPMENT  
PLAN, TO PROVIDE FOR APPROVAL OF AN ECONOMIC DEVELOPMENT PLAN OR A  
COMPETITIVELY DISADVANTAGED BORDER COMMUNITY PLAN BY ORDINANCE, NOTICE  
AND DETERMINATIONS AND FINDINGS REQUIRED, TO PROVIDE FOR ACQUISITION  
AND INCLUSION OF UNUSED OR INAPPROPRIATELY USED LAND IN AN ECONOMIC  
DEVELOPMENT AREA, TO PROVIDE FOR ACQUISITION AND INCLUSION OF OPEN LAND

1 IN AN ECONOMIC DEVELOPMENT AREA, TO PROVIDE AMENDMENT TO AN ECONOMIC  
2 DEVELOPMENT PLAN, TO PROVIDE A DISASTER PROVISION, TO PROVIDE POWERS,  
3 TO PROVIDE FOR ACQUISITION OF PROPERTY, TO PROVIDE FOR DISPOSAL OF  
4 PROPERTY IN AN URBAN RENEWAL AREA, TO PROVIDE FOR ISSUANCE OF BONDS, TO  
5 PROVIDE FOR BONDS AS LEGAL INVESTMENTS, TO PROVIDE PROPERTY EXEMPT FROM  
6 TAXES AND FROM LEVY AND SALE BY VIRTUE OF AN EXECUTION, TO PROVIDE FOR  
7 COOPERATION BY PUBLIC BODIES, TO PROVIDE FOR TITLE OF PURCHASERS, TO  
8 PROVIDE FOR INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES,  
9 TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR AN ANNUAL BUDGET AND A  
10 BUDGET FOR PLAN TERMINATION, TO PROVIDE FOR LIMITATIONS ON REVIEW OF  
11 ADOPTION OR MODIFICATION OF A PLAN AND ISSUANCE OF BONDS, TO PROVIDE  
12 SEVERABILITY, TO PROVIDE LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED  
13 BEFORE JANUARY 1, 2011, AND TO PROVIDE AMENDMENT OF PREVIOUSLY ADOPTED  
14 URBAN RENEWAL PLANS, TO PROVIDE AN URBAN RENEWAL AGENCY HAS NO POWER OF  
15 TAXATION, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND PURPOSE,  
16 TO DEFINE TERMS, TO PROVIDE AUTHORITY TO CREATE A REVENUE ALLOCATION  
17 AREA, TO PROVIDE TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION  
18 AND OTHER DOCUMENTS TO TAXING AGENCIES, TO PROVIDE FOR DETERMINATION OF  
19 TAX LEVIES, CREATION OF A SPECIAL FUND AND LIMITATIONS, TO PROVIDE FOR  
20 ISSUANCE OF BONDS AND BOND PROVISIONS, TO PROVIDE THAT BONDS ARE NOT THE  
21 GENERAL OBLIGATION OF AN AGENCY OR MUNICIPALITY, TO PROVIDE LEGISLATIVE  
22 CONSTRUCTION, TO PROVIDE SEVERABILITY, TO PROVIDE LIMITATIONS ON  
23 APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY 1, 2011, AND AMENDMENT OF  
24 PREVIOUSLY ADOPTED URBAN RENEWAL PLANS, TO PROVIDE FOR A JOINT POWERS  
25 AGREEMENT AND TO PROVIDE FOR TAX AND SPECIAL ASSESSMENT EXEMPTIONS.

26 Be It Enacted by the Legislature of the State of Idaho:

27 SECTION 1. That Section 50-2002, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 50-2002. FINDINGS AND DECLARATIONS OF NECESSITY. It is hereby found  
30 and declared that there exist in municipalities of the state deteriorated  
31 and deteriorating areas (as herein defined) which constitute a serious and  
32 growing menace, injurious to the public health, safety, morals and welfare  
33 of the residents of the state; that the existence of such areas contributes  
34 substantially and increasingly to the spread of disease and crime,  
35 constitutes an economic and social liability imposing onerous municipal  
36 burdens which decrease the tax base and reduce tax revenues, substantially  
37 impairs or arrests the sound growth of municipalities, retards the provision  
38 of housing accommodations, aggravates traffic problems and substantially  
39 impairs or arrests the elimination of traffic hazards and the improvement  
40 of traffic facilities; and that the prevention and elimination of these  
41 conditions is a matter of state policy and state concern in order that the  
42 state and its municipalities shall not continue to be endangered by areas  
43 which are focal centers of disease, promote juvenile delinquency, and  
44 consume an excessive proportion of its revenue because of the extra services  
45 required for police, fire, accident, hospitalization and other forms of  
46 public protection, services and facilities.

47 It is further found and declared that certain of such areas, or portions  
48 thereof, may require acquisition, clearance, and disposition subject to

1 use restrictions, as provided in this act, since the prevailing condition  
 2 of decay may make impracticable the reclamation of the area by conservation  
 3 or rehabilitation; that other areas or portions thereof may, through the  
 4 means provided in this act, be susceptible of conservation or rehabilitation  
 5 in such a manner that the conditions and evils hereinbefore enumerated may  
 6 be eliminated, remedied or prevented; and that salvageable areas can be  
 7 conserved and rehabilitated through appropriate public action as herein  
 8 authorized, and the cooperation and voluntary action of the owners and  
 9 tenants of property in such areas.

10 It is further found and declared that the powers conferred by this act  
 11 are for public uses and purposes for which public money may be expended as  
 12 herein provided and the power of eminent domain and police power exercised;  
 13 and that the necessity in the public interest for the provisions herein  
 14 enacted is hereby declared as a matter of legislative determination.

15 It is further found and declared that the urban renewal agency created  
 16 by this act is an independent public corporate and politic and is subject  
 17 to section 1, article VIII of the constitution of the state of Idaho; that  
 18 accordingly an urban renewal agency created by this act has no power to levy  
 19 taxes or obligate the general fund of the state; and the debts or liabilities  
 20 of an urban renewal agency are not debts or liabilities of the state of Idaho.

21 SECTION 2. That Section 50-2006, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each  
 24 municipality an urban renewal agency which shall constitute an independent  
 25 public body corporate and politic to be known as the "urban renewal agency"  
 26 for the municipality; provided, that such agency shall not transact  
 27 any business or exercise its powers hereunder until or unless the local  
 28 governing body has made the findings prescribed in section 50-2005, Idaho  
 29 Code. The agency, by adoption of bylaws, designated under what name it shall  
 30 transact the powers and authorities granted in this chapter.

31 (b) Upon the local governing body making such findings, the urban  
 32 renewal agency is authorized to transact the business and exercise the  
 33 powers hereunder by a board of commissioners to be appointed or designated as  
 34 follows:

35 (1) The mayor, by and with the advice and consent of the local governing  
 36 body, shall appoint a board of commissioners of the urban renewal  
 37 agency which shall consist of not less than three (3) commissioners nor  
 38 more than nine (9) commissioners. At least one (1) of the appointed  
 39 commissioners on an agency board consisting of three (3) or four (4)  
 40 commissioners shall be a resident and elector of the area of operation,  
 41 at least two (2) of the appointed commissioners on an agency board  
 42 consisting of five (5) or six (6) commissioners shall be residents  
 43 and electors of the area of operation and at least three (3) of the  
 44 appointed commissioners on an agency board consisting of seven (7),  
 45 eight (8) or nine (9) commissioners shall be residents and electors  
 46 of the area of operation. Members of the local governing body or the  
 47 mayor may be appointed to the agency board provided that for an agency  
 48 board consisting of three (3) or four (4) commissioners, only one (1)  
 49 commissioner may be a member of the local governing body or the mayor,

and for an agency board consisting of five (5), six (6), seven (7), eight (8) or nine (9) commissioners, only two (2) commissioners may be members of the local governing body or the mayor. Provided however, in a municipality having a population of less than seven thousand five hundred (7,500) persons, according to the most recent census within the state of Idaho, the limitation on the number of members of the local governing body or the mayor that may serve as commissioners does not apply. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the ~~original~~ term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve ~~for terms not to exceed~~ five (5) years ~~terms~~, from the date of appointment, except that all vacancies shall be filled for the unexpired term. Each commissioner shall hold office until his successor has been appointed and has qualified. Any successor appointment shall be made by the mayor, by and with the consent of the local governing body, within sixty (60) days of a vacancy occurring. A certificate of the appointment or reappointment of any commissioners shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. No person shall be appointed to serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the local governing body adopted by motion and recorded in the minutes. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment.

(2) For inefficiency or neglect of duty or misconduct in office cause, a commissioner may be removed only after a hearing and after he before the local governing body and by majority vote of the local governing body. The commissioner subject to removal shall have been given a copy of the charges at least ten (10) days prior to such hearings and shall have had an opportunity to be heard in person or by counsel.

~~(2) By enactment of an ordinance, the local governing body may appoint and designate itself to be the board of commissioners of the urban renewal agency, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.~~

(3) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency. Each appointed commissioner shall file with the secretary of state a financial disclosure statement by April 15 of each year. Such statement applies to the appointed commissioner and that person's spouse, and shall include the following information: (a) full name; (b) statement that the appointed commissioner and that person's spouse are not seeking bankruptcy protection; and (c) must disclose if the

1 commissioner or the commissioner's spouse has a pecuniary interest or  
 2 owns real property in the urban renewal area. If a pecuniary interest is  
 3 disclosed, the commissioner may be subject to the provisions of section  
 4 50-3228, Idaho Code.

5 (c) A commissioner shall receive no compensation for his services but  
 6 shall be entitled to the necessary expenses, including traveling expenses,  
 7 incurred in the discharge of his duties. ~~Each commissioner shall hold office~~  
 8 ~~until his successor has been appointed and has qualified. A certificate of~~  
 9 ~~the appointment or reappointment of any commissioner shall be filed with the~~  
 10 ~~clerk of the municipality and such certificate shall be conclusive evidence~~  
 11 ~~of the due and proper appointment of such commissioner.~~

12 (d) The powers of an urban renewal agency shall be exercised by the  
 13 commissioners thereof. A majority of the commissioners shall constitute a  
 14 quorum for the purpose of conducting business and exercising the powers of  
 15 the agency and for all other purposes. Action may be taken by the agency upon  
 16 a vote of a majority of the commissioners present, unless in any case the  
 17 bylaws shall require a larger number.

18 (e) The mayor may initially appoint a chairman, ~~a cochairman, or a vice~~  
 19 ~~chairman~~ for a term of office of one (1) year from among the commissioners,  
 20 thereafter the commissioners shall elect the chairman, ~~cochairman or vice~~  
 21 ~~chairman~~ and any other officers as the bylaws may require for a term of  
 22 one (1) year from among their members. An agency may employ an executive  
 23 director, technical experts and such other agents and employees, permanent  
 24 and temporary, as it may require, and determine their qualifications, duties  
 25 and compensation. For such legal service as it may require, an agency may  
 26 employ or retain its own counsel and legal staff.

27 (f) (1) An agency authorized to transact business and exercise powers  
 28 under this chapter shall file, with the local governing body, the  
 29 state tax commission, on or before March 31 of each year a report of  
 30 its activities for the preceding ~~calendar~~ fiscal year, which report  
 31 shall include a complete financial statement setting forth its assets,  
 32 liabilities, income and operating expense as of the end of such  
 33 ~~calendar~~ fiscal year and a financial summary setting forth the agency's  
 34 revenues and expenses. The report shall also include the agency's  
 35 contact information, and the name, address and telephone number of  
 36 each commissioner. At the time of filing the report, the agency shall  
 37 publish in a newspaper of general circulation in the community a notice  
 38 to the effect that such report has been filed with the ~~municipality~~  
 39 local governing body and the state tax commission and that the report  
 40 is available for inspection during business hours in the office of the  
 41 city clerk or county recorder, ~~and~~ in the office of the agency and at the  
 42 state tax commission.

43 (2) In addition to paragraph (1) of this subsection, an urban renewal  
 44 agency shall publish in a newspaper of general circulation in the  
 45 community the financial summary required to be prepared pursuant to  
 46 the provisions of paragraph (1) of this subsection, on or before March  
 47 31 of each year. All published financial summaries shall include  
 48 the following: "The complete financial statement is available for  
 49 inspection during business hours in the office of the city clerk or

1 county recorder, in the office of the agency and at the state tax  
 2 commission."

3 (3) Any person affected by a violation of the provisions of paragraph  
 4 (1) or (2) of this subsection may commence a civil action in the  
 5 magistrate division of the district court of the county in which the  
 6 agency ordinarily meets, for the purpose of requiring compliance  
 7 with the provisions of paragraph (1) or (2) of this subsection. No  
 8 private action brought pursuant to this paragraph shall result in the  
 9 assessment of a civil penalty against any member of the agency and  
 10 there shall be no private right of action for damages arising out of any  
 11 violation of the provisions of paragraph (1) or (2) of this subsection.  
 12 Any suit brought for the purpose of requiring compliance with the  
 13 provisions of paragraph (1) or (2) of this subsection shall be commenced  
 14 within ninety (90) days of March 31.

15 (4) An agency that fails to comply with the provisions of paragraph  
 16 (1) or (2) of this subsection shall be subject to a civil penalty not to  
 17 exceed one hundred fifty dollars (\$150).

18 (5) An agency that fails to comply with the provisions of paragraph  
 19 (1) or (2) of this subsection and has previously admitted to committing  
 20 or has been previously determined to have committed a violation of the  
 21 provisions of paragraph (1) or (2) of this subsection within the twelve  
 22 (12) months preceding this subsequent violation shall be subject to a  
 23 civil penalty not to exceed three hundred dollars (\$300).

24 (dg) (1) An urban renewal agency shall have the same fiscal year as a  
 25 municipality and shall be subject to the ~~same~~ audit requirements as  
 26 a municipality as set forth in section 67-450B, Idaho Code. An urban  
 27 renewal agency shall be required to prepare and file ~~with its local~~  
 28 ~~governing body an annual financial report and shall prepare, approve~~  
 29 ~~and adopt an annual budget for filing with the local governing body, for~~  
 30 ~~informational purposes~~ an audit report as required by section 67-450B,  
 31 Idaho Code.

32 (2) The agency shall also prepare and adopt an annual budget for filing  
 33 with the local governing body for informational purposes complying  
 34 with the provisions of section 50-1002, Idaho Code. Such budget shall  
 35 be filed by September 30 of each calendar year with the exception of a  
 36 budget for the fiscal year immediately predating the termination date  
 37 for an urban renewal plan involving a revenue allocation area or will  
 38 include the termination date which shall be filed by September 1 of that  
 39 year. A budget means an annual estimate of revenues and expenses for the  
 40 following fiscal year of the agency.

41 (eh) An urban renewal agency shall comply with the public records law  
 42 pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to  
 43 chapter 23, title 67, Idaho Code, the ethics in government law pursuant  
 44 to chapter 7, title 59, Idaho Code, the classification and retention of  
 45 municipal records pursuant to chapter 9, title 50, Idaho Code, and the  
 46 competitive bidding provisions of chapter 28, title 67, Idaho Code.

47 (i) The passage of every resolution or action to enter into a contract  
 48 or agreement, to approve and adopt an annual budget, to approve and adopt  
 49 appropriations and payables and to approve all bonds, obligations or  
 50 liabilities shall be by roll call of the board with the yea or nay of each

1 being recorded. All other matters do not require a roll call vote unless  
2 otherwise stated in the bylaws.

3 SECTION 3. That Section 50-2007, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 50-2007. POWERS. Every urban renewal agency shall have all the powers  
6 necessary or convenient to carry out and effectuate the purposes and  
7 provisions of this act, including the following powers in addition to others  
8 herein granted:

9 (a) to undertake and carry out urban renewal projects and related  
10 activities within its area of operation; and to make and execute contracts  
11 and other instruments necessary or convenient to the exercise of its  
12 powers under this act; and to disseminate slum clearance and urban renewal  
13 information;

14 (b) to provide or to arrange or contract for the furnishing or repair  
15 by any person or agency, public or private, of services, privileges,  
16 works, streets, roads, public utilities or other facilities for or in  
17 connection with an urban renewal project; to install, construct, and  
18 reconstruct streets, utilities, parks, playgrounds, off-street parking  
19 facilities, public facilities, other buildings or public improvements;  
20 and any improvements necessary or incidental to a redevelopment project;  
21 and to agree to any conditions that it may deem reasonable and appropriate  
22 attached to federal financial assistance and imposed pursuant to federal law  
23 relating to the determination of prevailing salaries or wages or compliance  
24 with labor standards, in the undertaking or carrying out of an urban renewal  
25 project and related activities, and to include in any contract let in  
26 connection with such a project and related activities, provisions to fulfill  
27 such of said conditions as it may deem reasonable and appropriate;

28 (c) within its area of operation, to enter into any building or  
29 property in any urban renewal area in order to make inspections, surveys,  
30 appraisals, soundings or test borings, and to obtain, upon sufficient  
31 cause and after a hearing on the matter, an order for this purpose from a  
32 court of competent jurisdiction in the event entry is denied or resisted;  
33 to acquire by purchase, lease, option, gift, grant, bequest, devise,  
34 eminent domain or otherwise, any real property (or personal property for its  
35 administrative purposes) together with any improvements thereon; to hold,  
36 improve, renovate, rehabilitate, clear or prepare for redevelopment any  
37 such property or buildings; to mortgage, pledge, hypothecate or otherwise  
38 encumber or dispose of any real property; to insure or provide for the  
39 insurance of any real or personal property or operations of the municipality  
40 against any risks or hazards, including the power to pay premiums on any  
41 such insurance; and to enter into any contracts necessary to effectuate the  
42 purposes of this act: Provided, however, that no statutory provision with  
43 respect to the acquisition, clearance or disposition of property by public  
44 bodies shall restrict a municipality or other public body exercising powers  
45 hereunder in the exercise of such functions with respect to an urban renewal  
46 project and related activities, unless the legislature shall specifically  
47 so state;

48 (d) with the approval of the local governing body, (1) prior to approval  
49 of an urban renewal plan, or approval of any modifications of the plan, to

1 acquire real property in an urban renewal area, demolish and remove any  
2 structures on the property, and pay all costs related to the acquisition,  
3 demolition, or removal, including any administrative or relocation  
4 expenses; and (2) to assume the responsibility to bear any loss that may  
5 arise as the result of the exercise of authority under this subsection in the  
6 event that the real property is not made part of the urban renewal project;

7 (e) to invest any urban renewal funds held in reserves or sinking funds  
8 or any such funds not required for immediate disbursement, in property  
9 or securities in which ~~savings banks may legally invest funds subject to~~  
10 ~~their control~~ municipalities may legally invest funds as defined in section  
11 50-1013, Idaho Code; to redeem such bonds as have been issued pursuant to  
12 section 50-2012, Idaho Code, at the redemption price established therein  
13 or to purchase such bonds at less than redemption price, all such bonds so  
14 redeemed or purchased to be canceled;

15 (f) to borrow money and to apply for and accept advances, loans, grants,  
16 contributions and any other form of financial assistance from the federal  
17 government, the state, county, or other public body, or from any sources,  
18 public or private, for the purposes of this act, and to give such security  
19 as may be required and to enter into and carry out contracts or agreements  
20 in connection therewith; and to include in any contract for financial  
21 assistance with the federal government for or with respect to an urban  
22 renewal project and related activities such conditions imposed pursuant to  
23 federal laws as the municipality may deem reasonable and appropriate and  
24 which are not inconsistent with the purposes of this act;

25 (g) within its area of operation, to make or have made all surveys  
26 and plans necessary to the carrying out of the purposes of this act and to  
27 contract with any person, public or private, in making and carrying out  
28 such plans and to adopt or approve, modify and amend such plans, which  
29 plans may include, but are not limited to: (1) plans for carrying out a  
30 program of voluntary compulsory repair and rehabilitation of buildings and  
31 improvements, (2) plans for the enforcement of state and local laws, codes  
32 and regulations relating to the use of land and the use and occupancy of  
33 buildings and improvements and to the compulsory repair, rehabilitation,  
34 demolition, or removal of buildings and improvements, and (3) appraisals,  
35 title searches, surveys, studies, and other plans and work necessary  
36 to prepare for the undertaking of urban renewal projects and related  
37 activities; and to develop, test, and report methods and techniques, and  
38 carry out demonstrations and other activities, for the prevention and the  
39 elimination of slums and urban blight and developing and demonstrating  
40 new or improved means of providing housing for families and persons of low  
41 income and to apply for, accept and utilize grants of funds from the federal  
42 government for such purposes;

43 (h) to prepare plans for and assist in the relocation of persons  
44 (including individuals, families, business concerns, nonprofit  
45 organizations and others) displaced from an urban renewal area, and  
46 notwithstanding any statute of this state to make relocation payments to  
47 or with respect to such persons for which reimbursement or compensation is  
48 not otherwise made, including the making of such payments financed by the  
49 federal government;

50 (i) to exercise all or any part or combination of powers herein granted;



(j) in addition to its powers under subsection (b) of this section, an agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings and to be used for residential, commercial, industrial, and other uses contemplated by the urban renewal plan, and to provide utilities to the development site; and

(k) to use, lend or invest funds obtained from the federal government for the purposes of this act if allowable under federal laws or regulations.

SECTION 4. That Section 50-2010, Idaho Code, be, and the same is hereby amended to read as follows:

50-2010. ACQUISITION OF PROPERTY. ~~(a)~~ An urban renewal agency shall have the right to acquire by negotiation or condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project and related activities under this act. An urban renewal agency may exercise the power of eminent domain in the manner now or which may be hereafter provided ~~by any other statutory provisions for the exercise of the power of eminent domain as set forth in chapter 7, title 7, Idaho Code.~~ Property already devoted to a public use may be acquired in like manner: Provided, that no real property belonging to the United States, the state, or any political subdivision of the state, may be acquired without its consent.

~~(b) In any proceeding to fix or assess compensation for damages for the taking or damaging of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:~~

~~(1) any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law or any ordinance or regulatory measure of the state, county, municipality, other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, insanitary or otherwise contrary to the public health, safety, or welfare;~~

~~(2) the effect on the value of such property, of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation.~~

~~(c) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has rendered, made or issued any judgment, decree, determination or order for the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition or operation.~~

1       SECTION 5. That Section 50-2011, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       50-2011. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA. (a) An urban  
4 renewal agency may sell, lease, or otherwise transfer real property or  
5 any interest therein acquired by it for an urban renewal project, and may  
6 enter into contracts with respect thereto, in an urban renewal area for  
7 residential, recreational, commercial, industrial, educational or other  
8 uses or for public use, or may retain such property or interest for public  
9 use, in accordance with the urban renewal plan, subject to such covenants,  
10 conditions and restrictions, including covenants running with the land,  
11 as it may deem to be necessary or desirable to assist in preventing the  
12 development or spread of future slums or blighted areas or to otherwise  
13 carry out the purposes of this act: Provided, that such sale, lease, other  
14 transfer, or retention, and any agreement relating thereto, may be made only  
15 after the approval of the urban renewal plan by the local governing body. The  
16 purchasers or lessees and their successors and assigns shall be obligated  
17 to devote such real property only to the uses specified in the urban renewal  
18 plan, and may be obligated to comply with such other requirements as the  
19 urban renewal agency may determine to be in the public interest, including  
20 the obligation to begin within a reasonable time any improvements on such  
21 real property required by the urban renewal plan. Such real property or  
22 interest shall be sold, leased, otherwise transferred, or retained at not  
23 less than its fair value for uses in accordance with the urban renewal plan  
24 except property disposed of by it to the community or any other public body  
25 which property must be disposed of pursuant to the provisions of subsection  
26 (f) of section 50-2015, Idaho Code, even though such fair value may be less  
27 than the cost of acquiring and preparing the property for redevelopment.  
28 In determining the fair value of real property for uses in accordance with  
29 the urban renewal plan, an urban renewal agency shall take into account  
30 and give consideration to the uses provided in such plan; the restrictions  
31 upon, and the covenants, conditions and obligations assumed by the purchaser  
32 or lessee or by the urban renewal agency retaining the property; and the  
33 objectives of such plan for the prevention of the recurrence of slum or  
34 blighted areas. The urban renewal agency in any instrument of conveyance  
35 to a private purchaser or lessee may provide that such purchaser or lessee  
36 shall be without power to sell, lease or otherwise transfer the real property  
37 without the prior written consent of the urban renewal agency until he has  
38 completed the construction of any or all improvements which he has obligated  
39 himself to construct thereon. Real property acquired by an urban renewal  
40 agency which, in accordance with the provisions of the urban renewal plan, is  
41 to be transferred, shall be transferred as rapidly as feasible in the public  
42 interest consistent with the carrying out of the provisions of the urban  
43 renewal plan. Any contract for such transfer and the urban renewal plan (or  
44 such part or parts of such contract or plan as the urban renewal agency may  
45 determine) may be recorded in the land records of the county in such manner as  
46 to afford actual or constructive notice thereof.

47       (b) An urban renewal agency may dispose of real property in an urban  
48 renewal area to private persons only under such reasonable competitive  
49 bidding procedures as it shall prescribe or as hereinafter provided in this

subsection. An urban renewal agency may, by public notice by publication in a newspaper having a general circulation in the community (thirty (30) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within thirty (30) days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The urban renewal agency shall consider all such redevelopment ~~of~~ or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the agency in the urban renewal area. The urban renewal agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act. The agency may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) An urban renewal agency may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this act, without regard to the provisions of subsection (a) ~~above of this section~~, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any real property acquired pursuant to section 50-2007(d), Idaho Code, may be disposed of without regard to other provisions of this section if the local governing body has consented to the disposal.

(e) Notwithstanding any other provisions of this act, and notwithstanding subsection (b) of this section, land in an urban renewal project area designated under the urban renewal plan for residential, industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent ~~disposition as promptly as practicable by the public body or corporation for redevelopment~~ development in accordance with the urban renewal plan. The public body or nonprofit corporation shall begin the building of improvements within a reasonable time as the agency may determine. The public body or nonprofit corporation may elect to dispose of the land as promptly as practicable for redevelopment in accordance with the urban renewal plan, and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a nonprofit corporation under this subsection shall be made at its fair value for uses in accordance with the urban renewal plan. Any disposition of land to a public body under this subsection shall be made pursuant to the provisions of subsection (f) of section 50-2015, Idaho Code.

(f) Property previously acquired or acquired by an agency for rehabilitation and resale shall be offered for disposition within three

(3) years after completion of rehabilitation, or an annual report shall be published by the agency in a newspaper of general circulation published in the community listing any rehabilitated property held by the agency in excess of such three (3) year period, stating the reasons such property remains unsold and indicating plans for its disposition.

SECTION 6. That Section 50-2012, Idaho Code, be, and the same is hereby amended to read as follows:

50-2012. ISSUANCE OF BONDS. (a) An urban renewal agency shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the urban renewal agency derived from or held in connection with its undertaking and carrying out of urban renewal projects under this act: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects under this act, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the urban renewal agency.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds and other obligations of an urban renewal agency (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the state or any political subdivision thereof, and neither the municipality, the state nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of said urban renewal agency. Bonds issued under the provisions of this act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the urban renewal agency and may be issued in one (1) or more series and shall bear such date or dates, be payable upon demand or mature at such time, or times, bear interest at a rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of repayment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at ~~not less than par at~~ public sales or private sales or placements held after notice published prior to such sale in

1 a newspaper having a general circulation in the area of operation and in such  
 2 other medium of publication as the agency may determine or may be exchanged  
 3 for other bonds ~~on the basis of par:~~ for such price or prices as determined  
 4 by the agency. Such notice does not need to contain information regarding  
 5 the price of the bonds; ~~p~~Provided, that such bonds may be sold to the federal  
 6 government at private sale ~~at not less than par~~ or placement for such price  
 7 or prices as determined by the agency, and, in the event less than all of the  
 8 authorized principal amount on such bonds is sold to the federal government,  
 9 the balance may be sold at private sale ~~at not less than par at an interest~~  
 10 ~~cost to the agency of not to exceed the interest cost to the agency of the~~  
 11 ~~portion of the bonds sold to the federal government~~ or placement for such  
 12 price or prices as determined by the agency.

13 (e) In case any of the officials of the urban renewal agency whose  
 14 signatures appear on any bonds or coupons issued under this act shall cease  
 15 to be such officials before the delivery of such bonds, such signatures  
 16 shall, nevertheless, be valid and sufficient for all purposes, the same as if  
 17 such officials had remained in office until such delivery. Any provision of  
 18 any law to the contrary notwithstanding, any bonds issued pursuant to this  
 19 act shall be fully negotiable.

20 (f) In any suit, action or proceeding involving the validity or  
 21 enforceability of any bond issued under this act or the security therefor,  
 22 any such bond reciting in substance that it has been issued by the agency  
 23 in connection with an urban renewal project, as herein defined, shall be  
 24 conclusively deemed to have been issued for such purpose and such project  
 25 shall be conclusively deemed to have been planned, located and carried out in  
 26 accordance with the provisions of this act.

27 SECTION 7. That Section 50-2017, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 50-2017. INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES. ~~No~~  
 30 ~~public official or employee of a municipality (or board or commission~~  
 31 ~~thereof), and no commissioner or employee of an urban renewal agency shall~~  
 32 ~~voluntarily acquire any personal interest, direct or indirect, in any urban~~  
 33 ~~renewal project, or in any property included or planned to be included~~  
 34 ~~in any urban renewal project in such municipality or in any contract or~~  
 35 ~~proposed contract in connection with such urban renewal project. Where such~~  
 36 ~~acquisition is not voluntary, the interest acquired shall be immediately~~  
 37 ~~disclosed in writing to the agency and such disclosure shall be entered upon~~  
 38 ~~the minutes of the agency. If any such official, commissioner or employee~~  
 39 ~~presently owns or controls, or owned or controlled within the preceding~~  
 40 ~~two (2) years, any interest, direct or indirect, in any property which he~~  
 41 ~~knows is included or planned to be included in an urban renewal project,~~  
 42 ~~he shall immediately disclose this fact in writing to the agency, and such~~  
 43 ~~disclosure shall be entered upon the minutes of the agency, and any such~~  
 44 ~~official, commissioner or employee shall not participate in any action by~~  
 45 ~~the municipality (or board or commission thereof), or urban renewal agency~~  
 46 ~~affecting such property. Any violation of the provisions of this section~~  
 47 ~~shall constitute misconduct in office.~~ (1) All commissioners and employees  
 48 of the urban renewal agency are subject to chapter 2, title 59, Idaho Code,  
 49 and chapter 7, title 59, Idaho Code.

1       (2) A commissioner shall not be prohibited from having an interest in  
 2       any contract made or entered into by the agency, if he strictly observes the  
 3       procedure set out in section 18-1361A, Idaho Code.

4       SECTION 8. That Chapter 20, Title 50, Idaho Code, be, and the same is  
 5       hereby amended by the addition thereto of a NEW SECTION, to be known and  
 6       designated as Section 50-2033, Idaho Code, and to read as follows:

7       50-2033. PROHIBITED AMENDMENT. A revenue allocation area may not be  
 8       amended to extend its boundaries to add additional revenue allocation areas.

9       SECTION 9. That Chapter 20, Title 50, Idaho Code, be, and the same is  
 10       hereby amended by the addition thereto of a NEW SECTION, to be known and  
 11       designated as Section 50-2034, Idaho Code, and to read as follows:

12       50-2034. AMENDMENTS. An amendment to an urban renewal plan created  
 13       under this chapter that does not seek to increase the geographic area of  
 14       the plan, or does not seek to extend the years of the plan, is not subject  
 15       to the provisions of chapter 32, title 50, Idaho Code. Notwithstanding the  
 16       foregoing, no amendment to an existing revenue allocation area shall be  
 17       interpreted to, or shall cause an extension of the limitations established  
 18       for the existing revenue allocation area as set forth in section 50-2904,  
 19       Idaho Code.

20       SECTION 10. That Chapter 20, Title 50, Idaho Code, be, and the same  
 21       is hereby amended by the addition thereto of a NEW SECTION, to be known and  
 22       designated as Section 50-2035, Idaho Code, and to read as follows:

23       50-2035. TAX AND SPECIAL ASSESSMENT EXEMPTIONS. The property of an  
 24       urban renewal agency is declared to be public property used for essential  
 25       public purposes and such property and an agency shall be exempt from all  
 26       taxes and special assessments of the city, the county, the state or any  
 27       political subdivision thereof.

28       SECTION 11. That Section 50-2903, Idaho Code, be, and the same is hereby  
 29       amended to read as follows:

30       50-2903. DEFINITIONS. The following terms used in this chapter shall  
 31       have the following meanings, unless the context otherwise requires:

32       (1) "Act" or "this act" means this revenue allocation act.

33       (2) "Agency" or "urban renewal agency" means a public body created  
 34       pursuant to section 50-2006, Idaho Code.

35       (3) "Authorized municipality" or "municipality" means any county or  
 36       incorporated city which has established an urban renewal agency, or by  
 37       ordinance has identified and created a competitively disadvantaged border  
 38       community.

39       (4) "Base assessment roll" means the equalized assessment rolls,  
 40       for all classes of taxable property, on January 1 of the year in which the  
 41       local governing body of an authorized municipality passes an ordinance  
 42       adopting or modifying an urban renewal plan containing a revenue allocation  
 43       financing provision, except that the base assessment roll shall be adjusted

1 as follows: the equalized assessment valuation of the taxable property in  
2 a revenue allocation area as shown upon the base assessment roll shall be  
3 reduced by the amount by which the equalized assessed valuation as shown on  
4 the base assessment roll exceeds the current equalized assessed valuation  
5 of any taxable property located in the revenue allocation area, and by the  
6 equalized assessed valuation of taxable property in such revenue allocation  
7 area that becomes exempt from taxation subsequent to the date of the base  
8 assessment roll. The equalized assessed valuation of the taxable property  
9 in a revenue allocation area as shown on the base assessment roll shall be  
10 increased by the equalized assessed valuation, as of the date of the base  
11 assessment roll, of taxable property in such revenue allocation area that  
12 becomes taxable after the date of the base assessment roll.

13 (5) "Budget" means an annual estimate of revenues and expenses for the  
14 following fiscal year of the agency. An agency shall, by September ~~4~~30 of  
15 each calendar year, adopt and publish, as described in section 50-1002,  
16 Idaho Code, a budget for the next fiscal year. An agency may amend its  
17 adopted budget using the same procedures as used for adoption of the budget.  
18 For the fiscal year that immediately predates the termination date for an  
19 urban renewal plan involving a revenue allocation area or will include the  
20 termination date, the agency shall by September 1 adopt and publish a budget  
21 specifically for the projected revenues and expenses of the plan and make a  
22 determination as to whether the revenue allocation area can be terminated  
23 before the January 1 of the termination year pursuant to the terms of section  
24 50-2909(4), Idaho Code. In the event that the agency determines that current  
25 tax year revenues are sufficient to cover all estimated expenses for the  
26 current year and all future years, by September 1 the agency shall adopt  
27 a resolution advising and notifying the local governing body, the county  
28 auditor, and the state tax commission and recommending the adoption of an  
29 ordinance for termination of the revenue allocation area by December 31 of  
30 the current year and declaring a surplus to be distributed as described in  
31 section 50-2909, Idaho Code, should a surplus be determined to exist. The  
32 agency shall cause the ordinance to be filed with the office of the county  
33 recorder and the Idaho state tax commission as provided in section 63-215,  
34 Idaho Code. Upon notification of revenues sufficient to cover expenses as  
35 provided herein, the increment value of that revenue allocation area shall  
36 be included in the net taxable value of the appropriate taxing districts  
37 when calculating the subsequent property tax levies pursuant to section  
38 63-803, Idaho Code. The increment value shall also be included in subsequent  
39 notification of taxable value for each taxing district pursuant to section  
40 63-1312, Idaho Code, and subsequent certification of actual and adjusted  
41 market values for each school district pursuant to section 63-315, Idaho  
42 Code.

43 (6) "Clerk" means the clerk of the municipality.

44 (7) "Competitively disadvantaged border community area" means a parcel  
45 of land consisting of at least forty (40) acres which is situated within the  
46 jurisdiction of a county or an incorporated city and within twenty-five (25)  
47 miles of a state or international border, which the governing body of such  
48 county or incorporated city has determined by ordinance is disadvantaged  
49 in its ability to attract business, private investment, or commercial  
50 development, as a result of a competitive advantage in the adjacent state or

1 nation resulting from inequities or disparities in comparative sales taxes,  
2 income taxes, property taxes, population or unique geographic features.

3 (8) "Deteriorated area" means:

4 (a) Any area, including a slum area, in which there is a predominance  
5 of buildings or improvements, whether residential or nonresidential,  
6 which by reason of dilapidation, deterioration, age or obsolescence,  
7 inadequate provision for ventilation, light, air, sanitation, or open  
8 spaces, high density of population and overcrowding, or the existence  
9 of conditions which endanger life or property by fire and other causes,  
10 or any combination of such factors, is conducive to ill health,  
11 transmission of disease, infant mortality, juvenile delinquency, or  
12 crime, and is detrimental to the public health, safety, morals or  
13 welfare.

14 (b) Any area which by reason of the presence of a substantial  
15 number of deteriorated or deteriorating structures, predominance  
16 of defective or inadequate street layout, faulty lot layout in relation  
17 to size, adequacy, accessibility or usefulness, insanitary or unsafe  
18 conditions, deterioration of site or other improvements, diversity of  
19 ownership, tax or special assessment delinquency exceeding the fair  
20 value of the land, defective or unusual conditions of title, or the  
21 existence of conditions which endanger life or property by fire and  
22 other causes, or any combination of such factors, results in economic  
23 underdevelopment of the area, substantially impairs or arrests the  
24 sound growth of a municipality, retards the provision of housing  
25 accommodations or constitutes an economic or social liability and is a  
26 menace to the public health, safety, morals or welfare in its present  
27 condition and use.

28 (c) Any area which is predominately open and which because of obsolete  
29 platting, diversity of ownership, deterioration of structures or  
30 improvements, or otherwise, results in economic underdevelopment of  
31 the area or substantially impairs or arrests the sound growth of a  
32 municipality. The provisions of section 50-2008(d), Idaho Code, shall  
33 apply to open areas.

34 (d) Any area which the local governing body certifies is in need  
35 of redevelopment or rehabilitation as a result of a flood, storm,  
36 earthquake, or other natural disaster or catastrophe respecting which  
37 the governor of the state has certified the need for disaster assistance  
38 under any federal law.

39 (e) Any area which by reason of its proximity to the border of an  
40 adjacent state is competitively disadvantaged in its ability to attract  
41 private investment, business or commercial development which would  
42 promote the purposes of this chapter.

43 (9) "Facilities" means land, rights in land, buildings, structures,  
44 machinery, landscaping, extension of utility services, approaches,  
45 roadways and parking, handling and storage areas, and similar auxiliary and  
46 related facilities.

47 (10) "Increment value" means the total value calculated by summing the  
48 differences between the current equalized value of each taxable property in  
49 the revenue allocation area and that property's current base value on the  
50 base assessment roll, provided such difference is a positive value.



1 (11) "Local governing body" means the city council or board of county  
2 commissioners of a municipality.

3 (12) "Plan" or "urban renewal plan" means a plan, as it exists or may  
4 from time to time be amended, prepared and approved pursuant to section  
5 50-2008, Idaho Code, and any method or methods of financing such plan, which  
6 methods may include revenue allocation financing provisions.

7 (13) "Project" or "urban renewal project" or "competitively  
8 disadvantaged border areas" may include undertakings and activities of a  
9 municipality in an urban renewal area for the elimination of deteriorated  
10 or deteriorating areas and for the prevention of the development or spread  
11 of slums and blight, and may involve slum clearance and redevelopment in an  
12 urban renewal area, or rehabilitation or conservation in an urban renewal  
13 area, or any combination or part thereof in accordance with an urban renewal  
14 plan. Such undertakings and activities may include:

15 (a) Acquisition of a deteriorated area or a deteriorating area or  
16 portion thereof;

17 (b) Demolition and removal of buildings and improvement;

18 (c) Installation, construction, or reconstruction of streets,  
19 utilities, parks, playgrounds, open space, off-street parking  
20 facilities, public facilities, public recreation and entertainment  
21 facilities or buildings and other improvements necessary for carrying  
22 out, in the urban renewal area or competitively disadvantaged border  
23 community area, the urban renewal objectives of this act in accordance  
24 with the urban renewal plan or the competitively disadvantaged border  
25 community area ordinance.

26 (d) Disposition of any property acquired in the urban renewal area or  
27 the competitively disadvantaged border community area (including sale,  
28 initial leasing or retention by the agency itself) or the municipality  
29 creating the competitively disadvantaged border community area at its  
30 fair value for uses in accordance with the urban renewal plan except for  
31 disposition of property to another public body;

32 (e) Carrying out plans for a program of voluntary or compulsory repair  
33 and rehabilitation of buildings or other improvements in accordance  
34 with the urban renewal plan;

35 (f) Acquisition of real property in the urban renewal area or the  
36 competitively disadvantaged border community area which, under the  
37 urban renewal plan, is to be repaired or rehabilitated for dwelling use  
38 or related facilities, repair or rehabilitation of the structures for  
39 guidance purposes, and resale of the property;

40 (g) Acquisition of any other real property in the urban renewal area  
41 or competitively disadvantaged border community area where necessary  
42 to eliminate unhealthful, insanitary or unsafe conditions, lessen  
43 density, eliminate obsolete or other uses detrimental to the public  
44 welfare, or otherwise to remove or to prevent the spread of blight  
45 or deterioration, or to provide land for needed public facilities or  
46 where necessary to accomplish the purposes for which a competitively  
47 disadvantaged border community area was created by ordinance;

48 (h) Lending or investing federal funds; and

49 (i) Construction of foundations, platforms and other like structural  
50 forms.

(14) "Project costs" includes, but is not limited to:

(a) Capital costs, including the actual costs of the construction of public works or improvements, facilities, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; and the clearing and grading of land;

(b) Financing costs, including interest during construction and capitalized debt service or repair and replacement or other appropriate reserves;

(c) Real property assembly costs, meaning any deficit incurred from the sale or lease by a municipality of real or personal property within a revenue allocation district;

(d) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(e) Direct administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;

(f) Relocation costs;

(g) Other costs incidental to any of the foregoing costs.

(15) "Revenue allocation area" means that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at ~~any the~~ the time the revenue allocation area is adopted ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

(16) "State" means the state of Idaho.

(17) "Tax" or "taxes" means all property tax levies upon taxable property.

(18) "Taxable property" means taxable real property, personal property, operating property, or any other tangible or intangible property included on the equalized assessment rolls.

(19) "Taxing district" means a taxing district as defined in section 63-201, Idaho Code, as that section now exists or may hereafter be amended.

(20) "Termination date" means a specific date no later than twenty-four (24) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every urban renewal plan shall have a termination date that can be modified or extended subject to the twenty-four (24) year maximum limitation. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

SECTION 12. That Section 50-2904, Idaho Code, be, and the same is hereby amended to read as follows:

50-2904. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized municipality is hereby authorized and empowered to adopt, at any time,

1 a revenue allocation financing provision, as described in this chapter,  
 2 as part of an urban renewal plan or competitively disadvantaged border  
 3 community area ordinance. A revenue allocation financing provision may  
 4 be adopted either at the time of the original adoption of an urban renewal  
 5 plan or the creation by ordinance of a competitively disadvantaged border  
 6 community area or thereafter as a modification of an urban renewal plan or  
 7 the ordinance creating the competitively disadvantaged border community  
 8 area. Urban renewal plans existing prior to the effective date of this  
 9 section may be modified to include a revenue allocation financing provision.  
 10 Except as provided in subsections (1), (2) and (3) of this section, no  
 11 revenue allocation provision of an urban renewal plan or competitively  
 12 disadvantaged border community area ordinance, including all amendments  
 13 thereto, shall have a duration exceeding twenty-four (24) years from the  
 14 date the ordinance is approved by the municipality; and provided further, no  
 15 additions to the land area of an existing revenue allocation area shall be  
 16 ~~interpreted to or shall cause an extension of the date of the twenty four (24)-~~  
 17 ~~year limit that was originally established for the revenue allocation area.~~  
 18 ~~Notwithstanding these limitations, allowed.~~ The duration of the revenue  
 19 allocation financing provision may be extended if:

20 (1) The maturity date of any bonds issued to provide funds for a  
 21 specific project in the revenue allocation area and payable from the  
 22 revenue allocation financing provision exceeds the duration of the revenue  
 23 allocation financing provision, provided such bond maturity is not greater  
 24 than ~~thirty~~ twenty-four (24) years; or

25 (2) The urban renewal agency determines that it is necessary to  
 26 refinance outstanding bonds payable from the revenue allocation financing  
 27 provision to a maturity exceeding the ~~twenty-four (24)~~ year duration of the  
 28 revenue allocation financing provision in order to avoid a default on the  
 29 bonds; or

30 (3) The local governing body has adopted an urban renewal plan or  
 31 competitively disadvantaged border community area ordinance or an amendment  
 32 to an urban renewal plan or competitively disadvantaged border community  
 33 area ordinance prior to July 1, 2000, in which is defined the duration  
 34 of the plan beyond a period of ~~twenty-four (24)~~ years, in which case the  
 35 revenue allocation provision shall have a duration as described in such  
 36 urban renewal plan or competitively disadvantaged border community area  
 37 ordinance; and

38 (4) During the extensions set forth in subsections (1) and (2) of  
 39 this section, any revenue allocation area revenues exceeding the amount  
 40 necessary to repay the bonds during the period exceeding the ~~twenty-four~~  
 41 ~~(24)~~ year maturity of the revenue allocation financing provision shall be  
 42 returned to the taxing districts in the revenue allocation area on a pro rata  
 43 basis.

44 SECTION 13. That Section 50-2907, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 50-2907. TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION AND OTHER  
 47 DOCUMENTS TO TAXING AGENCIES. (1) After the effective date of an ordinance  
 48 enacted by the local governing body of an authorized municipality, the clerk  
 49 of the authorized municipality shall transmit, to the county auditor and tax

1 assessor of the county in which the revenue allocation area is located, to  
 2 the affected taxing districts, and to the state tax commission, a copy of the  
 3 ordinance enacted, a copy of the legal description of the boundaries of the  
 4 revenue allocation area, and a map indicating the boundaries of the revenue  
 5 allocation area.

6 (2) For revenue allocation areas extending beyond the corporate  
 7 municipal boundary of the authorized municipality, the copy of the ordinance  
 8 enacted by the authorized municipality shall include, as an attachment, a  
 9 copy of the transfer of powers ordinance adopted by the cooperating county  
 10 under section 50-2906(3)(b), Idaho Code.

11 (3) Such documents required by subsections (1) and (2) of this section  
 12 shall be transmitted within the time required by section 63-215, Idaho Code.

13 SECTION 14. That Section 50-2908, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)  
 16 For purposes of calculating the rate at which taxes shall be levied by or  
 17 for each taxing district in which a revenue allocation area is located, the  
 18 county commissioners shall, with respect to the taxable property located  
 19 in such revenue allocation area, use the equalized assessed value of such  
 20 taxable property as shown on the base assessment roll rather than on the  
 21 current equalized assessed valuation of such taxable property, except the  
 22 current equalized assessed valuation shall be used for calculating the tax  
 23 rate for:

24 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho  
 25 Code, and any judgment pursuant to section 33-802(1), Idaho Code,  
 26 certified after December 31, 2007;

27 (b) Levies permitted pursuant to section 63-802(3), Idaho Code,  
 28 certified after December 31, 2007, except in the case of the  
 29 consolidation of existing revenue allocation areas;

30 (c) Levies for voter approved general obligation bonds of any taxing  
 31 district and plant facility reserve fund levies passed after December  
 32 31, 2007;

33 (d) Levies set forth in paragraphs (1)(a) through (c) of this  
 34 subsection, first certified prior to December 31, 2007, when the  
 35 property affected by said levies is included within the boundaries of  
 36 a revenue allocation area by ~~a change in~~ an amendment to the boundaries  
 37 of either the revenue allocation area or any taxing district after  
 38 December 31, 2007; and

39 (e) School levies for supplemental maintenance and operation pursuant  
 40 to section 33-802(3) and (4), Idaho Code, approved after December 31,  
 41 2007.

42 (2) With respect to each such taxing district, the tax rate calculated  
 43 under subsection (1) of this section shall be applied to the current  
 44 equalized assessed valuation of all taxable property in the taxing district,  
 45 including the taxable property in the revenue allocation area. The tax  
 46 revenues thereby produced shall be allocated as follows:

47 (a) To the taxing district shall be allocated and shall be paid by the  
 48 county treasurer:

(i) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area;

(ii) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under subsection (1) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1)(a) through (e) of this section.

(b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area. New revenue allocation areas created after December 31, 2007, shall be entitled to the taxes generated by levies set forth in subsections (1)(a) through (1)(c) of this section certified prior to December 31, 2007.

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter, shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2)(b) of this section.

(4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than the levy specified in subsection (1)(a) through (e) of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

(5) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

SECTION 15. That Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 50, Idaho Code, and to read as follows:

CHAPTER 32  
IDAHO URBAN REINVESTMENT ACT

1       50-3201.   SHORT TITLE. This act shall be known and may be cited as the  
2 "Idaho Urban Reinvestment Act."

3       50-3202.   FINDINGS AND DECLARATIONS OF NECESSITY. It is hereby found  
4 and declared that there exist in municipalities of the state deteriorating  
5 areas (as herein defined) that constitute a serious and growing menace,  
6 injurious to the public health, safety, morals and welfare of the residents  
7 of the state; that the existence of such areas contributes substantially and  
8 increasingly to the spread of disease and crime, constitutes an economic and  
9 social liability imposing onerous municipal burdens that decrease the tax  
10 base and reduce tax revenues, substantially impairs or arrests the sound  
11 growth of municipalities, retards the provision of housing accommodations,  
12 aggravates traffic problems and substantially impairs or arrests the  
13 elimination of traffic hazards and the improvement of traffic facilities;  
14 and that the prevention and elimination of these conditions is a matter of  
15 state policy and state concern in order that the state and its municipalities  
16 shall not continue to be endangered by areas that are focal centers of  
17 disease, promote juvenile delinquency, and consume an excessive proportion  
18 of its revenue because of the extra services required for police, fire,  
19 accident, hospitalization and other forms of public protection, services  
20 and facilities.

21       It is further found and declared that certain of such areas, or portions  
22 thereof, may require acquisition, clearance, and disposition subject to  
23 use restrictions, as provided in this act, since the prevailing condition  
24 of decay may make impracticable the reclamation of the area by conservation  
25 or rehabilitation; that other areas or portions thereof may, through the  
26 means provided in this act, be susceptible to conservation or rehabilitation  
27 in such a manner that the conditions and evils hereinbefore enumerated may  
28 be eliminated, remedied or prevented; and that salvageable areas can be  
29 conserved and rehabilitated through appropriate public action as herein  
30 authorized, and with the cooperation and voluntary action of the owners and  
31 tenants of property in such areas.

32       It is further found and declared that the powers conferred by this act  
33 are for public uses and purposes for which public money may be expended as  
34 herein provided and the power of eminent domain and police power exercised;  
35 and that the necessity in the public interest for the provisions herein  
36 enacted is hereby declared as a matter of legislative determination.

37       It is further found and declared that the urban renewal agency created  
38 by this act is an independent public body corporate and politic and is  
39 subject to section 1, article VIII of the constitution of the state of Idaho;  
40 that accordingly an urban renewal agency created by this act has no power  
41 to levy taxes or obligate the general fund of the state; and the debts or  
42 liabilities of an urban renewal agency are not debts or liabilities of a  
43 municipality, county or the state of Idaho.

44       50-3203.   ENCOURAGEMENT OF PRIVATE ENTERPRISE.   An urban renewal  
45 agency, to the greatest extent it determines to be feasible in carrying out  
46 the provisions of this act, shall afford maximum opportunity, consistent  
47 with the sound needs of the municipality as a whole, to the rehabilitation  
48 or redevelopment of the urban renewal area by private enterprise.   A

1 municipality shall also give consideration to this objective in exercising  
 2 its powers under this act, including the formulation of a workable program,  
 3 the approval of urban renewal plans, community-wide plans or programs for  
 4 urban renewal, and general neighborhood renewal plans (consistent with the  
 5 general plan of the municipality), the exercise of its zoning powers, the  
 6 enforcement of other laws, codes and regulations relating to the use of land  
 7 and the use and occupancy of buildings and improvements, and the provision of  
 8 necessary public improvements.

9 50-3204. WORKABLE PROGRAM. A municipality for the purposes of this  
 10 act may formulate for the municipality a workable program for utilizing  
 11 appropriate private and public resources to eliminate, and prevent the  
 12 development or spread of, to encourage needed urban rehabilitation, to  
 13 promote employment through the creation or retention of residential,  
 14 commercial or industrial enterprise, or to undertake such of the aforesaid  
 15 activities or other feasible municipal activities as may be suitably  
 16 employed to achieve the objectives of such workable program. Such workable  
 17 program may include, without limitation, provision for: the prevention of  
 18 the spread of deteriorating areas into areas of the municipality that are  
 19 free from deterioration through diligent enforcement of housing, zoning and  
 20 occupancy controls and standards; the rehabilitation or conservation of  
 21 deteriorating areas or portions thereof by replanning, removing congestion,  
 22 providing parks, playgrounds and other public improvements, by encouraging  
 23 voluntary rehabilitation and by compelling the repair and rehabilitation of  
 24 deteriorating structures; to cooperate with an urban renewal agency for the  
 25 clearance and redevelopment of deteriorating areas or portions thereof; to  
 26 promote the creation or retention of commercial or industrial enterprise;  
 27 to construct public improvements related to commercial or industrial  
 28 enterprise; to construct housing for low and moderate income families; and  
 29 to construct workforce housing.

30 50-3205. FINDING OF NECESSITY BY LOCAL GOVERNING BODY -- CREATION OF  
 31 AN URBAN RENEWAL AGENCY. No urban renewal agency and no municipality shall  
 32 exercise the authority hereafter conferred by this act until after the local  
 33 governing body shall have adopted a resolution finding that:

34 (1) One (1) or more deteriorating areas, economic development areas,  
 35 a combination of a deteriorating area and an economic development area, or  
 36 a competitively disadvantaged border community area as defined in this act,  
 37 exist in such municipality;

38 (2) The rehabilitation, conservation, development, redevelopment, or  
 39 a combination thereof, of such area or areas is necessary in the interest  
 40 of the public health, safety, morals or welfare of the residents of such  
 41 municipality; and

42 (3) There is need for an urban renewal agency to function in the  
 43 municipality.

44 Provided that a finding of necessity made pursuant to section 50-2005, Idaho  
 45 Code, is sufficient to meet the requirements of this section.

46 50-3206. URBAN RENEWAL AGENCY. (1) There is hereby created in each  
 47 municipality an urban renewal agency that shall constitute independent

1 public body corporate and politic to be known as the "urban renewal agency"  
2 for the municipality; provided, that such agency shall not transact  
3 any business or exercise its powers hereunder until or unless the local  
4 governing body has made the findings prescribed in section 50-3205, Idaho  
5 Code. The agency, by adoption of bylaws, designated under what name it shall  
6 transact the powers and authorities granted in this chapter.

7 (2) Upon the local governing body making such findings, the urban  
8 renewal agency is authorized by this act to transact the business and  
9 exercise the powers hereunder by a board of commissioners to be appointed or  
10 designated as follows:

11 (a) The mayor, by and with the advice and consent of the local governing  
12 body, shall appoint a board of commissioners of the urban renewal  
13 agency that shall consist of not less than three (3) commissioners nor  
14 more than nine (9) commissioners. At least one (1) of the appointed  
15 commissioners on an agency board consisting of three (3) or four (4)  
16 commissioners shall be a resident and elector of the area of operation,  
17 at least two (2) of the appointed commissioners on an agency board  
18 consisting of five (5) or six (6) commissioners shall be residents  
19 and electors of the area of operation, and at least three (3) of the  
20 appointed commissioners on an agency board consisting of seven (7),  
21 eight (8) or nine (9) commissioners shall be residents and electors  
22 of the area of operation. Members of the local governing body or the  
23 mayor may be appointed to the agency board provided that for an agency  
24 board consisting of three (3) or four (4) commissioners, only one (1)  
25 commissioner may be a member of the local governing body or the mayor,  
26 and for an agency board consisting of five (5), six (6), seven (7),  
27 eight (8) or nine (9) commissioners, only two (2) commissioners may be  
28 members of the local governing body or the mayor. Provided however,  
29 in a municipality having a population of less than seven thousand five  
30 hundred (7,500) persons, according to the most recent census within  
31 the state of Idaho, the limitation on the number of members of the  
32 local governing body or the mayor that may serve as commissioners does  
33 not apply. In the order of appointment, the mayor shall designate  
34 the number of commissioners to be appointed, and the term of each,  
35 provided that the term of office of no more than two (2) commissioners  
36 shall expire in the same year. The commissioners shall serve five (5)  
37 year terms, from the date of appointment, except that all vacancies  
38 shall be filled for the unexpired term. Each commissioner shall hold  
39 office until his successor has been appointed and has qualified. Any  
40 successor appointment shall be made by the mayor, by and with the advice  
41 and consent of the local governing body, within sixty (60) days of a  
42 vacancy occurring. A certificate of the appointment or reappointment  
43 of any commissioner shall be filed with the clerk of the municipality  
44 and such certificate shall be conclusive evidence of the due and proper  
45 appointment of such commissioner. No person shall be appointed to serve  
46 more than two (2) full consecutive terms without specific concurrence  
47 by two-thirds (2/3) of the local governing body adopted by motion and  
48 recorded in the minutes. Vacancies occurring otherwise than through  
49 the expiration of terms shall be filled in the same manner as the  
50 original appointment.



1 (b) For cause, a commissioner may be removed only after a hearing before  
2 the local governing body and by a majority vote of the local governing  
3 body. The commissioner subject to removal shall have been given a copy  
4 of the charges at least ten (10) days prior to such hearing and shall  
5 have had an opportunity to be heard in person or by counsel.

6 (c) Each appointed commissioner shall file with the secretary of  
7 state a financial disclosure statement by April 15 of each year. Such  
8 statement applies to the appointed commissioner and that person's  
9 spouse, and shall include the following information: (a) full name;  
10 (b) statement that the appointed commissioner and that person's spouse  
11 are not seeking bankruptcy protection; and (c) must disclose if the  
12 commissioner or the commissioner's spouse has a pecuniary interest or  
13 owns real property in the urban renewal area. If a pecuniary interest is  
14 disclosed, the commissioner may be subject to the provisions of section  
15 50-3228, Idaho Code.

16 (3) A commissioner shall receive no compensation for his services but  
17 shall be entitled to the necessary expenses, including traveling expenses,  
18 incurred in the discharge of his duties.

19 (4) The powers of an urban renewal agency shall be exercised by the  
20 commissioners thereof. A majority of the commissioners shall constitute a  
21 quorum for the purpose of conducting business and exercising the powers of  
22 the agency and for all other purposes. Action may be taken by the agency upon  
23 a vote of a majority of the commissioners present, unless in any case the  
24 bylaws shall require a larger number.

25 (5) The mayor may initially appoint a chairman for a term of office of  
26 one (1) year from among the commissioners, thereafter the commissioners  
27 shall elect the chairman and any other officers as the bylaws may require  
28 for a term of one (1) year from among their members. An agency may  
29 employ an executive director, technical experts and such other agents and  
30 employees, permanent and temporary, as it may require, and determine their  
31 qualifications, duties and compensation. For such legal service as it may  
32 require, an agency may employ or retain its own counsel and legal staff.

33 (6) (a) An agency authorized to transact business and exercise powers  
34 under this chapter shall file, with the local governing body and the  
35 state tax commission, on or before March 31 of each year a report of its  
36 activities for the preceding fiscal year, which report shall include  
37 a complete financial statement setting forth its assets, liabilities,  
38 income and operating expenses as of the end of such fiscal year, and a  
39 financial summary setting forth the agency's revenues and expenses.  
40 The report shall also include the agency's contact information, and the  
41 name, address and telephone number of each commissioner. At the time of  
42 filing the report, the agency shall publish in a newspaper of general  
43 circulation in the community a notice to the effect that such report has  
44 been filed with the local governing body and the state tax commission  
45 and that the report is available for inspection during business hours  
46 in the office of the city clerk or county recorder, in the office of the  
47 agency and the state tax commission.

48 (b) In addition to subsection (6) (a) of this section, an urban renewal  
49 agency shall publish in a newspaper of general circulation in the  
50 community the financial summary required to be prepared pursuant to

1 the provisions of subsection (6)(a) of this section, on or before  
2 March 31 of each year. All published financial summaries shall include  
3 the following: "The complete financial statement is available for  
4 inspection during business hours in the office of the city clerk or  
5 county recorder, in the office of the agency and at the state tax  
6 commission."

7 (c) Action in the magistrate division of the district court of the  
8 county in which the agency ordinarily meets, for the purpose of  
9 requiring compliance with the provisions of subsection (6)(a) or (6)(b)  
10 of this section. No private action brought pursuant to this subsection  
11 shall result in the assessment of a civil penalty against any member  
12 of the agency and there shall be no private right of action for damages  
13 arising out of any violation of the provisions of subsection (6)(a) or  
14 (6)(b) of this section. Any suit brought for the purpose of requiring  
15 compliance with the provisions of subsection (6)(a) or (6)(b) of this  
16 section shall be commenced within ninety (90) days of March 31.

17 (d) An agency that fails to comply with the provisions of subsection  
18 (6)(a) or (6)(b) of this section shall be subject to a civil penalty not  
19 to exceed one hundred fifty dollars (\$150).

20 (e) An agency that fails to comply with the provisions of subsection  
21 (6)(a) or (6)(b) of this section and has previously admitted to  
22 committing or has been previously determined to have committed a  
23 violation of the provisions of subsection (6)(a) or (6)(b) of this  
24 section within the twelve (12) months preceding this subsequent  
25 violation shall be subject to a civil penalty not to exceed three  
26 hundred dollars (\$300).

27 (7) (a) An urban renewal agency shall have the same fiscal year as a  
28 municipality and shall be subject to the same audit requirements as  
29 a municipality as required by section 67-450B, Idaho Code. An urban  
30 renewal agency shall be required to prepare and file with its local  
31 governing body an annual financial report as required by section  
32 67-450B, Idaho Code.

33 (b) The agency shall also prepare, approve and adopt an annual budget  
34 for filing with the local governing body, for informational purposes  
35 complying with the provisions of section 50-1002, Idaho Code. Such  
36 budget shall be filed by September 30 of each calendar year, with  
37 the exception of a budget for the fiscal year immediately predating  
38 the termination date for an urban renewal plan involving a revenue  
39 allocation area or will include the termination date, which shall be  
40 filed by September 1 of that year. A budget means an annual estimate of  
41 revenues and expenses for the following fiscal year of the agency.

42 (8) An urban renewal agency shall comply with the public records law  
43 pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to  
44 chapter 23, title 67, Idaho Code, the ethics in government law pursuant  
45 to chapter 7, title 59, Idaho Code, the classification and retention of  
46 municipal records pursuant to chapter 9, title 50, and the competitive  
47 bidding provisions of chapter 28, title 67, Idaho Code.

48 (9) The passage of every resolution or action to enter into a contract  
49 or agreement, to approve and adopt an annual budget, to approve and adopt  
50 appropriations and to approve all bonds, obligations or liabilities shall

1 be by roll call of the council with the yea or nay of each being recorded. All  
2 other matters do not require a roll call vote unless otherwise stated in the  
3 bylaws.

4 50-3207. DETERIORATING AREA -- PRELIMINARY INVESTIGATION --  
5 LIMITATIONS ON REVIEW. (1) Once the local governing body has made the  
6 findings prescribed in section 50-3205, Idaho Code, an urban renewal  
7 agency may itself undertake or cause to be undertaken a preliminary  
8 investigation to determine whether the proposed area is a deteriorating  
9 area according to the criteria set forth in section 50-3229(9), Idaho Code.  
10 Such determination shall be made after public notice and public hearing as  
11 provided in this section.

12 (2) Before proceeding to a public hearing on the matter, the urban  
13 renewal agency shall prepare a map showing the boundaries of the proposed  
14 deteriorating area and the location of the various parcels of property  
15 included therein. There shall be appended to the map a statement setting  
16 forth the basis for the investigation.

17 (3) The urban renewal agency shall specify a date for and provide a  
18 hearing notice as provided in subsection (4) of this section.

19 (4) The hearing notice shall set forth the general boundaries of the  
20 area to be investigated and state that a map has been prepared and can be  
21 inspected at the office of the clerk or the agency office. A copy of the  
22 notice shall be published in a newspaper of general circulation in the  
23 municipality once each week for two (2) consecutive weeks, and the last  
24 publication shall be not less than ten (10) days prior to the date set for  
25 the hearing. A copy of the notice shall be mailed at least ten (10) days  
26 prior to the date set for the hearing to the last owner, if any, of each  
27 parcel of property within the area according to the assessment records of  
28 the municipality. A notice shall also be sent to all persons at their last  
29 known address, if any, whose names are noted on the assessment records as  
30 claimants of an interest in any such parcel. The notice shall be published  
31 and mailed by the urban renewal agency. Failure to mail any such notice shall  
32 not invalidate the investigation or determination thereon.

33 (5) At the hearing, which may be adjourned from time to time, the  
34 urban renewal agency shall hear all persons who attend. All objections to a  
35 determination that the delineated area is a deteriorating area and evidence  
36 in support of those objections, given orally or in writing, shall be received  
37 and considered and made part of the public record.

38 (6) After completing its hearing on this matter, the urban renewal  
39 agency shall recommend that the delineated area, or any part thereof,  
40 be determined, or not be determined, by the local governing body to be a  
41 deteriorating area. After receiving the recommendation of the urban renewal  
42 agency, the local governing body may adopt a resolution determining that  
43 the delineated area, or any part thereof, is a deteriorating area. The  
44 determination shall be binding and conclusive upon all persons affected  
45 by the determination. Notice of the determination shall be served, within  
46 ten (10) days after the determination, upon each person who filed a written  
47 objection thereto and stated, in or upon the written submission, an address  
48 to which notice of determination may be sent.

1 (7) If written objections were filed in connection with the hearing,  
 2 the local governing body shall, for forty-five (45) days next following its  
 3 determination to which the objections were filed, take no further action to  
 4 acquire any property by condemnation within the deteriorating area.

5 (8) If a person who filed a written objection to a determination by the  
 6 local governing body pursuant to this subsection shall, within forty-five  
 7 (45) days after the adoption by the local governing body of the determination  
 8 to which the person objected, apply to the district court, the court may  
 9 grant further review of the determination. No contest or proceeding to  
 10 question the validity or legality of the resolution passed or adopted under  
 11 the provisions of this section shall be brought in any court by any person for  
 12 any cause whatsoever, after the expiration of forty-five (45) days from the  
 13 effective date of the resolution, and after such time the validity, legality  
 14 and regularity of such resolution shall be conclusively presumed and no  
 15 court shall thereafter have authority to inquire into such matters.

16 50-3208. DETERIORATING AREA PLAN -- CONTENTS -- APPROVAL OF  
 17 PLAN. (1) An urban renewal project for a deteriorating area shall not  
 18 be planned or initiated unless the local governing body has, by resolution,  
 19 determined such area to be a deteriorating area, and designated such area as  
 20 appropriate for an urban renewal project pursuant to section 50-3207, Idaho  
 21 Code.

22 (2) An urban renewal agency may itself prepare or cause to be prepared  
 23 a deteriorating area plan, or any person or agency, public or private, may  
 24 submit such a plan to an urban renewal agency. A deteriorating area plan  
 25 shall include all of the following:

26 (a) The kind, number, and location of all proposed public works or  
 27 improvements within the deteriorating area;

28 (b) A map and general description of the deteriorating areas of the  
 29 plan;

30 (c) A financial analysis of the plan with sufficient information to  
 31 determine economic feasibility;

32 (d) A detailed list of estimated project costs and the sources of moneys  
 33 to pay such costs;

34 (e) An indication of whether the deteriorating area plan intends to use  
 35 revenue allocation financing;

36 (f) The estimated amount of revenue allocation funds required in each  
 37 deteriorating area and the anticipated year in which indebtedness will  
 38 be retired;

39 (g) An indication of which real property may be acquired and a statement  
 40 that such acquisition is necessary;

41 (h) A fiscal impact statement showing the impact of the revenue  
 42 allocation area, both until and after the bonds are repaid, upon all  
 43 affected taxing districts levying taxes upon property on the revenue  
 44 allocation area;

45 (i) A description of the methods of financing all estimated project  
 46 costs and the time when related costs or monetary obligations are to be  
 47 incurred;

48 (j) The anticipated termination date for the plan and the revenue  
 49 allocation area as provided for in section 50-3237(10), Idaho Code.

1 In determining the termination date, the plan shall recognize that  
2 the agency shall receive allocation of revenues in the calendar year  
3 following the last year of the revenue allocation provision described  
4 in the plan;

5 (k) A description of the disposition or retention of any assets of the  
6 agency upon the termination date. Provided however, nothing herein  
7 shall prevent the agency from retaining assets or revenues generated  
8 from such assets as long as the agency shall have resources other than  
9 revenue allocation funds to operate and manage such assets;

10 (l) A description of the methods to be used for the temporary or  
11 permanent relocation of persons living in, and businesses situated in,  
12 the deteriorating area of the plan;

13 (m) An explanation of the urban renewal project's relationship to  
14 definite local objectives regarding appropriate land uses and improved  
15 traffic, public transportation, public utilities, telecommunications  
16 utilities, recreational and community facilities and other public  
17 improvements; and

18 (n) For an urban renewal project that includes a general purpose public  
19 building, an explanation of how the building serves or benefits the  
20 urban renewal area.

21 (3) A deteriorating area plan shall be forwarded to the local governing  
22 body for its approval. Prior to its approval of an urban renewal project,  
23 the local governing body shall submit such deteriorating area plan to  
24 the planning commission of the municipality, if any, for review and  
25 recommendations as to the plan's conformity with the general plan for  
26 the development of the municipality as a whole. The planning commission  
27 shall submit its written recommendations with respect to the proposed  
28 deteriorating area plan to the local governing body within thirty (30) days  
29 after receipt of the plan for review. Upon receipt of the recommendations of  
30 the planning commission, or if no recommendations are received within said  
31 thirty (30) days, then without such recommendations, the local governing  
32 body may proceed with the hearing on the proposed urban renewal project  
33 prescribed by section 50-3209, Idaho Code.

34 (4) If the deteriorating area plan contains a revenue allocation  
35 financing provision, a deteriorating area plan shall be forwarded to the  
36 governing body of each affected taxing district prior to the public hearing  
37 prescribed by section 50-3209, Idaho Code. The affected taxing district  
38 shall submit any written objections with respect to the proposed revenue  
39 allocation financing provision in the deteriorating area plan to the agency,  
40 or local governing body, within thirty (30) days after receipt of the plan  
41 for review. Within thirty (30) days after receipt of a written objection  
42 by an affected taxing district, the urban renewal agency shall meet and  
43 confer with that affected taxing district. The meet and confer session  
44 may include a discussion of the estimated growth in valuation of taxable  
45 property included in the proposed urban renewal area, the fiscal impact of  
46 revenue allocation on the affected taxing entities, the estimated impact  
47 on the provision of services by each of the affected taxing entities in the  
48 proposed urban renewal area, and the duration of any bond issuance included  
49 in the plan. If the agency and the affected taxing district cannot reach  
50 an agreement, the affected taxing district's objections shall be accepted,

1 rejected or modified by the local governing body in approving the plan by  
 2 ordinance. The affected taxing district that filed a written objection may  
 3 contest the plan ordinance pursuant to section 50-3231, Idaho Code. If an  
 4 affected taxing district fails to submit written objections within thirty  
 5 (30) days after receipt of the plan for review, the agency shall not be  
 6 required or obligated to meet and confer with such affected taxing district,  
 7 and it is presumed that such affected taxing districts do not object to the  
 8 deteriorating area plan or use of revenue allocation financing.

9 (5) In order to meet the requirements set forth in section 50-3209(g),  
 10 Idaho Code, an urban renewal agency must report the base assessment roll as  
 11 defined in section 50-3237(2), Idaho Code, to the state tax commission.

12 (6) In order to meet the requirements set forth in section 50-3209(h),  
 13 Idaho Code, an urban renewal agency must report the proposed boundaries of  
 14 the revenue allocation area to the state tax commission.

15 50-3209. APPROVAL OF DETERIORATING AREA PLAN BY ORDINANCE -- NOTICE  
 16 -- DETERMINATIONS AND FINDINGS REQUIRED. (1) The local governing body shall  
 17 hold a public hearing on an urban renewal project before the ordinance has  
 18 its first or only reading as allowed pursuant to chapter 9, title 50, Idaho  
 19 Code, after public notice thereof by publication in a newspaper having a  
 20 general circulation in the area of operation of the municipality. The notice  
 21 shall be published at least thirty (30) days but not more than sixty (60) days  
 22 prior to the date set for the public hearing. The notice shall describe the  
 23 time, date, place and purpose of the hearing, shall generally identify the  
 24 deteriorating area covered by the plan, and shall outline the general scope  
 25 of the urban renewal project under consideration. The notice shall also  
 26 state:

27 (a) That a deteriorating area plan or modification thereto has been  
 28 proposed and is being considered for adoption, and that such plan  
 29 or modification thereto contains a revenue allocation financing  
 30 provision that will cause property taxes resulting from any increases  
 31 in equalized assessed valuation in excess of the equalized assessed  
 32 valuation as shown on the base assessment roll to be allocated to the  
 33 agency for urban renewal pursuant to section 50-3240, Idaho Code; and

34 (b) That an agreement on administration of a revenue allocation  
 35 financing provision extending beyond the municipal boundary of the  
 36 authorized municipality has been negotiated with the cooperating  
 37 county having extraterritorial power and that the agreement has been  
 38 formalized by a transfer of power ordinance adopted by that county.  
 39 Notice of the public hearing, together with a copy of the plan and  
 40 recommendation of the urban renewal agency, shall be mailed to the  
 41 governing body of each affected taxing district.

42 (2) Following such public hearing and publication, the local governing  
 43 body may approve the deteriorating area plan by ordinance in accordance  
 44 with chapter 9, title 50, Idaho Code, which shall incorporate the plan by  
 45 reference and include determinations and findings by the governing body  
 46 that:

47 (a) A feasible method exists for the location of families who will  
 48 be displaced from the deteriorating area in decent, safe and sanitary

1 dwelling accommodations within their means and without undue hardship  
2 to such families;

3 (b) The deteriorating area plan conforms to the general plan of the  
4 municipality as a whole and provides an outline for accomplishing the  
5 urban renewal projects the deteriorating area plan proposes;

6 (c) The deteriorating area plan gives due consideration to the  
7 provision of adequate park and recreational areas and facilities  
8 that may be desirable for neighborhood improvement, with special  
9 consideration for the health, safety and welfare of children residing  
10 in the general vicinity of the site covered by the plan;

11 (d) The deteriorating area plan will afford maximum opportunity,  
12 consistent with the sound needs of the municipality as a whole, for the  
13 rehabilitation or redevelopment of the deteriorating area by private  
14 enterprise: Provided, that if the deteriorating area consists of an  
15 area of open land to be acquired by the urban renewal agency, such area  
16 shall not be so acquired unless:

17 (i) If it is to be developed for residential uses, the local  
18 governing body shall determine that a shortage of housing of sound  
19 standards and design that is decent, safe and sanitary exists in  
20 the municipality; that the need for housing accommodations has  
21 been or will be increased as a result of the clearance of slums in  
22 other areas; that the deteriorating conditions in the area and the  
23 shortage of decent, safe and sanitary housing cause or contribute  
24 to an increase in and spread of disease and crime and constitute a  
25 menace to the public health, safety, morals or welfare; and that  
26 the acquisition of the area for residential uses is an integral  
27 part of and essential to the program of the municipality; or

28 (ii) If it is to be developed for nonresidential uses, the local  
29 governing body shall determine that such nonresidential uses are  
30 necessary and appropriate to facilitate the proper growth and  
31 development of the community in accordance with sound planning  
32 standards and local community objectives, which acquisition  
33 may require the exercise of governmental action, as provided in  
34 this act, because of defective or unusual conditions of title,  
35 diversity of ownership, tax delinquency, improper subdivisions,  
36 outmoded street patterns, deterioration of site, economic disuse,  
37 unsuitable topography or faulty lot layouts, the need for the  
38 correlation of the area with other areas of a municipality by  
39 streets and modern traffic requirements, or any combination of  
40 such factors or other conditions that retard development of the  
41 area;

42 (e) Each area meets the requirements of a deteriorating area;

43 (f) In the judgment of the local governing body, the development  
44 described in the deteriorating area plan would not occur in the  
45 deteriorating area without revenue allocation financing;

46 (g) A preliminary statement certified by the state tax commission  
47 that the base assessment roll, or rolls of a revenue allocation area  
48 or areas, does not exceed at the time the revenue allocation area is  
49 adopted ten percent (10%) of the current assessed valuation of all  
50 taxable property within the sponsoring municipality;

(h) A preliminary statement certified by the state tax commission that the urban renewal land area of the revenue allocation area when added to the land areas included in other revenue allocation areas of the sponsoring municipality does not exceed at the time the revenue allocation area is adopted a figure equal to fifteen percent (15%) of the total land area of that sponsoring municipality;

(i) The rehabilitation and redevelopment is necessary to protect the public health, safety or welfare of the municipality;

(j) If acquisition of real property is provided for, that it is necessary;

(k) Adoption and carrying out of the deteriorating area plan is economically sound and feasible.

(3) A revenue allocation financing provision adopted in accordance with this chapter shall be effective retroactively to January 1 of the year in which the local governing body of the authorized municipality enacts such ordinance.

(4) Upon the approval by the local governing body of a deteriorating area plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective deteriorating area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

50-3210. AMENDMENT TO DETERIORATING AREA PLAN. A deteriorating area plan may be modified at any time in the manner set forth in the urban renewal plan. Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Notwithstanding the foregoing, no amendment to an existing revenue allocation area shall be interpreted to, or shall, cause an extension of the limitations established for the existing revenue allocation area as set forth in section 50-3238, Idaho Code.

50-3211. DISASTER PROVISION. Notwithstanding any other provisions, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under P.L. 875, eighty-first congress, as amended, or other federal law, the local governing body may approve a deteriorating area plan and an urban renewal project with respect to such area without regard to the foregoing provisions.

50-3212. FINDINGS AND DECLARATIONS OF NECESSITY FOR AN ECONOMIC DEVELOPMENT AREA. It is further found and declared that there exists in this state the continuing need for programs to alleviate and prevent conditions of unemployment and a shortage of housing; and that it is accordingly necessary to assist and retain local industries, private development and commercial enterprises to strengthen and revitalize



1 the economy of this state and its municipalities; that accordingly  
 2 it is necessary to provide means and methods for the encouragement  
 3 and assistance of industrial and commercial enterprises in locating,  
 4 purchasing, constructing, reconstructing, modernizing, improving,  
 5 maintaining, repairing, furnishing, equipping, and expanding in this state  
 6 and its municipalities, for the provision of public improvements related to  
 7 commercial and industrial enterprises, and for the construction of housing  
 8 for low and moderate income families; that accordingly it is necessary  
 9 to authorize local governing bodies to designate areas of a municipality  
 10 as economic development areas for commercial and industrial enterprises,  
 11 public improvements related to commercial and industrial enterprises, or  
 12 construction of housing for low and moderate income families and persons;  
 13 and that it is also necessary to encourage the location and expansion  
 14 of commercial enterprises to more conveniently provide needed services  
 15 and facilities of the commercial enterprises to municipalities and the  
 16 residents of the municipalities.

17 50-3213. ECONOMIC DEVELOPMENT AREA -- PRELIMINARY INVESTIGATION  
 18 -- LIMITATIONS ON REVIEW. (1) Once the local governing body has made the  
 19 findings prescribed in section 50-3205, Idaho Code, an urban renewal agency  
 20 may itself undertake or cause to be undertaken a preliminary investigation  
 21 to determine whether the proposed area is an economic development area  
 22 according to the criteria set forth in section 50-3229(10), Idaho Code, or a  
 23 competitively disadvantaged border community area according to the criteria  
 24 set forth in section 50-3229(8), Idaho Code. Such determination shall be  
 25 made after public notice and public hearing as provided in this section.  
 26 An urban renewal area that is a combination of a deteriorating area and an  
 27 economic development area or a competitively disadvantaged border community  
 28 area must meet the conditions for a deteriorating area pursuant to section  
 29 50-3207, Idaho Code.

30 (2) Before proceeding to a public hearing on the matter, the urban  
 31 renewal agency shall prepare a map showing the boundaries of the proposed  
 32 economic development area or competitively disadvantaged border community  
 33 area and the location of the various parcels of property included therein.  
 34 There shall be appended to the map a statement setting forth the basis for the  
 35 investigation.

36 (3) The urban renewal agency shall specify a date for and provide a  
 37 hearing notice as provided in subsection (4) of this section.

38 (4) The hearing notice shall set forth the general boundaries of the  
 39 area to be investigated and state that a map has been prepared and can be  
 40 inspected at the office of the clerk. A copy of the notice shall be published  
 41 in a newspaper of general circulation in the municipality once each week for  
 42 two (2) consecutive weeks, and the last publication shall be not less than  
 43 ten (10) days prior to the date set for the hearing. A copy of the notice  
 44 shall be mailed at least ten (10) days prior to the date set for the hearing to  
 45 the last owner, if any, of each parcel of property within the area according  
 46 to the assessment records of the municipality. A notice shall also be sent  
 47 to all persons at their last known address, if any, whose names are noted on  
 48 the assessment records as claimants of an interest in any such parcel. The  
 49 notice shall be published and mailed by the urban renewal agency. Failure to

1 mail any such notice shall not invalidate the investigation or determination  
2 thereon.

3 (5) At the hearing, which may be adjourned from time to time, the  
4 urban renewal agency shall hear all persons who attend. All objections to  
5 a determination that the delineated area is an economic development area  
6 or a competitively disadvantaged border community area and evidence in  
7 support of those objections, given orally or in writing, shall be received  
8 and considered and made part of the public record.

9 (6) After completing its hearing on this matter, the urban renewal  
10 agency shall recommend that the delineated area, or any part thereof,  
11 be determined, or not be determined, by the local governing body to be  
12 an economic development area or a competitively disadvantaged border  
13 community area. After receiving the recommendation of the urban renewal  
14 agency, the local governing body may adopt a resolution determining that the  
15 delineated area, or any part thereof, is an economic development area, or a  
16 competitively disadvantaged border community area. The determination, if  
17 supported by substantial evidence, shall be binding and conclusive upon all  
18 persons affected by the determination. Notice of the determination shall  
19 be served, within ten (10) days after the determination, upon each person  
20 who filed a written objection thereto and stated, in or upon the written  
21 submission, an address to which notice of determination may be sent.

22 (7) If written objections were filed in connection with the hearing,  
23 the local governing body shall, for forty-five (45) days next following its  
24 determination to which the objections were filed, take no further action to  
25 acquire any property by condemnation within the economic development area or  
26 a competitively disadvantaged border community area.

27 (8) If a person who filed a written objection to a determination by the  
28 local governing body pursuant to this subsection shall, within forty-five  
29 (45) days after the adoption by the local governing body of the determination  
30 to which the person objected, apply to the district court, the court may  
31 grant further review of the determination. No contest or proceeding to  
32 question the validity or legality of the resolution passed or adopted under  
33 the provisions of this section shall be brought in any court by any person for  
34 any cause whatsoever, after the expiration of forty-five (45) days from the  
35 effective date of the resolution, and after such time the validity, legality  
36 and regularity of such resolution shall be conclusively presumed and no  
37 court shall thereafter have authority to inquire into such matters.

38 50-3214. ECONOMIC DEVELOPMENT PLAN -- CONTENTS -- APPROVAL OF  
39 PLAN. (1) An urban renewal project for an economic development area  
40 or a competitively disadvantaged border community area shall not be  
41 planned or initiated unless the local governing body has, by resolution,  
42 determined such area to be an economic development area or a competitively  
43 disadvantaged border community area, and designated such area as  
44 appropriate for an urban renewal project, pursuant to section 50-3213, Idaho  
45 Code.

46 (2) An urban renewal agency may itself prepare or cause to be prepared  
47 an economic development plan or a competitively disadvantaged border  
48 community plan, or any person or agency, public or private, may submit  
49 such a plan to an urban renewal agency. An economic development plan or a

1 competitively disadvantaged border community area plan shall include all of  
2 the following:

3 (a) Indicate whether the area is an economic development area or a  
4 competitively disadvantaged border community area;

5 (b) The kind, number, and location of all proposed public works or  
6 improvements within the economic development area or the competitively  
7 disadvantaged border community area;

8 (c) A map and general description of the economic development area or  
9 the competitively disadvantaged border community area;

10 (d) A financial analysis of the plan with sufficient information to  
11 determine economic feasibility;

12 (e) A detailed list of estimated project costs and the sources of moneys  
13 to pay such costs;

14 (f) An indication of whether the economic development area plan or the  
15 competitively disadvantaged border community area plan intends to use  
16 revenue allocation financing;

17 (g) The estimated amount of revenue allocation funds required in each  
18 economic development area or each competitively disadvantaged border  
19 community area and the anticipated year in which indebtedness will be  
20 retired;

21 (h) An indication of which real property may be acquired and a statement  
22 that such acquisition is necessary;

23 (i) A fiscal impact statement showing the impact of the revenue  
24 allocation area, both until and after the bonds are repaid, upon all  
25 affected taxing districts levying taxes upon property on the revenue  
26 allocation area;

27 (j) A description of the methods of financing all estimated project  
28 costs and the time when related costs or monetary obligations are to be  
29 incurred;

30 (k) The anticipated termination date for the plan and the revenue  
31 allocation area as provided for in section 50-3237(10), Idaho Code.  
32 In determining the termination date, the plan shall recognize that  
33 the agency shall receive allocation of revenues in the calendar year  
34 following the last year of the revenue allocation provision described  
35 in the plan;

36 (l) A description of the disposition or retention of any assets of the  
37 agency upon the termination date. Provided however, nothing herein  
38 shall prevent the agency from retaining assets or revenues generated  
39 from such assets as long as the agency shall have resources other than  
40 revenue allocation funds to operate and manage such assets;

41 (m) A description of the methods to be used for the temporary or  
42 permanent relocation of persons living in, and businesses situated  
43 in, the economic development area, or the competitively disadvantaged  
44 border community area of the plan;

45 (m) An explanation of the urban renewal project's relationship to  
46 definite local objectives regarding appropriate land uses and improved  
47 traffic, public transportation, public utilities, telecommunications  
48 utilities, recreational and community facilities and other public  
49 improvements;

(n) A statement explaining how the purposes of economic development will be attained by the redevelopment or development of commercial or industrial enterprise; or by the construction of public improvements related to commercial or industrial enterprise; or the construction of housing for low and moderate income families.

(o) A description of how the economic development will create additional jobs, or retain existing jobs;

(p) A description of how private developers, if any, will be selected to undertake the economic development and identify each private developer currently involved in the economic development process;

(q) A description of the physical, social, and economic conditions existing in the project area;

(r) Include other information that the agency determines to be necessary or advisable;

(s) A description of the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:

(i) An evaluation of the reasonableness of the costs of economic development;

(ii) Efforts the agency or developer has made or will make to maximize private investments;

(iii) The rationale for use of revenue allocation, including an analysis of whether the proposed development might reasonably be expected to occur in the foreseeable future solely through private investment; and

(iv) An estimate of the total amount of revenue allocation that will be expended in undertaking economic development and the length of time for which it will be expended.

(t) A description of the anticipated public benefit to be derived from the economic development, including:

(i) The beneficial influences upon the tax base of the community;

(ii) The associated business and economic activity likely to be stimulated; and

(iii) The number of jobs or employment anticipated to be generated or preserved.

(3) An economic development plan or a competitively disadvantaged border community plan shall be forwarded to the local governing body for its approval. Prior to its approval of an urban renewal project, the local governing body shall submit such economic development plan or each competitively disadvantaged border community plan to the planning commission of the municipality, if any, for review and recommendations as to the plan's conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed economic development plan or the proposed competitively disadvantaged border community plan to the local governing body within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said thirty (30) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by section 50-3215, Idaho Code.

(4) If the economic development plan or the competitively disadvantaged border community plan contains a revenue allocation financing provision, an economic development plan or a competitively disadvantaged border community plan shall be forwarded to the governing body of each affected taxing district prior to the public hearing prescribed by section 50-3215, Idaho Code. The affected taxing district shall submit any written objections with respect to the proposed revenue allocation financing provision in the economic development plan or the competitively disadvantaged border community plan to the agency, or local governing body, within thirty (30) days after receipt of the plan for review. Within thirty (30) days after receipt of a written objection by an affected taxing district, the urban renewal agency shall meet and confer with that affected taxing district. The meet and confer session may include a discussion of the estimated growth in valuation of taxable property included in the proposed urban renewal area, the fiscal impact of revenue allocation on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed urban renewal area, and the duration of any bond issuance included in the plan. If the agency and the affected taxing district cannot reach an agreement, the affected taxing district's objections shall be accepted, rejected or modified by the local governing body in approving the plan by ordinance. The affected taxing district that filed a written objection may contest the ordinance pursuant to section 50-3231, Idaho Code. If an affected taxing district fails to submit written objections within thirty (30) days after receipt of the plan for review, the agency shall not be required or obligated to meet and confer with such affected taxing district, and it is presumed that such affected taxing districts do not object to the economic development plan, the competitively disadvantaged border community plan, or use of revenue allocation financing.

(5) In order to meet the requirements set forth in section 50-3215(f), Idaho Code, an urban renewal agency must report the base assessment roll as defined in section 50-3237(2), Idaho Code, to the state tax commission.

(6) In order to meet the requirements set forth in section 50-3215(g), Idaho Code, an urban renewal agency must report the proposed boundaries of the revenue allocation area to the state tax commission.

50-3215. APPROVAL OF AN ECONOMIC DEVELOPMENT PLAN OR A COMPETITIVELY DISADVANTAGED BORDER COMMUNITY PLAN BY ORDINANCE -- NOTICE -- DETERMINATIONS AND FINDINGS REQUIRED. (1) The local governing body shall hold a public hearing on an urban renewal project before the ordinance has its first or only reading as allowed pursuant to chapter 9, title 50, Idaho Code, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall be published at least thirty (30) days but not more than sixty (60) days prior to the date set for the public hearing. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the economic development area or the competitively disadvantaged border community area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. The notice shall also state:

1 (a) That an economic development plan or a competitively disadvantaged  
2 border community plan or modification thereto has been proposed and  
3 is being considered for adoption, and that such plan or modification  
4 thereto contains a revenue allocation financing provision that will  
5 cause property taxes resulting from any increases in equalized assessed  
6 valuation in excess of the equalized assessed valuation as shown on the  
7 base assessment roll to be allocated to the agency for urban renewal  
8 pursuant to section 50-3240, Idaho Code; and

9 (b) That an agreement on administration of a revenue allocation  
10 financing provision extending beyond the municipal boundary of the  
11 authorized municipality has been negotiated with the cooperating  
12 county having extraterritorial power and that the agreement has been  
13 formalized by a transfer of power ordinance adopted by that county.  
14 Notice of the public hearing, together with a copy of the plan and  
15 recommendation of the urban renewal agency shall be mailed to the  
16 governing body of each affected taxing district.

17 (2) Following such public hearing and publication, the local governing  
18 body may approve the economic development plan or the competitively  
19 disadvantaged border community plan by ordinance in accordance with chapter  
20 9, title 50, Idaho Code, which shall incorporate the plan by reference and  
21 include determinations and findings by the governing body that:

22 (a) A feasible method exists for the location of families who will  
23 be displaced from the economic development area or the competitively  
24 disadvantaged border community area in decent, safe and sanitary  
25 dwelling accommodations within their means and without undue hardship  
26 to such families;

27 (b) The economic development plan or the competitively disadvantaged  
28 border community plan conforms to the general plan of the municipality  
29 as a whole and provides an outline for accomplishing the urban renewal  
30 projects the economic development plan proposes;

31 (c) The economic development plan or the competitively disadvantaged  
32 border community plan will afford maximum opportunity, consistent with  
33 the sound needs of the municipality as a whole, for the rehabilitation  
34 or redevelopment of the economic development area or the competitively  
35 disadvantaged border community area by private enterprise;

36 (d) Each area meets the requirements of an economic development area or  
37 a competitively disadvantaged border community area;

38 (e) In the judgment of the local governing body, the development  
39 described in the economic development plan or the competitively  
40 disadvantaged border community plan would not occur in the economic  
41 development area or the competitively disadvantaged border community  
42 area without revenue allocation financing;

43 (f) A preliminary statement certified by the state tax commission that  
44 the base assessment roll or rolls of revenue allocation area or areas  
45 does not exceed, at the time the revenue allocation area is adopted, ten  
46 percent (10%) of the current assessed valuation of all taxable property  
47 within the sponsoring municipality;

48 (g) A preliminary statement certified by the state tax commission  
49 that the urban renewal land area of the revenue allocation area when  
50 added to the land areas included in other revenue allocation areas of

the sponsoring municipality does not exceed, at the time the revenue allocation area is adopted, a figure equal to fifteen percent (15%) of the total land area of that sponsoring municipality;

(h) Carrying out the economic development plan or the competitively disadvantaged border community plan will promote the public peace, health, safety, and welfare of the municipality in which the project area is located;

(i) If acquisition of real property is provided for, that it is necessary; and

(j) Adoption and carrying out of the economic development plan or the competitively disadvantaged border community plan is economically sound and feasible.

(3) A revenue allocation financing provision adopted in accordance with this chapter shall be effective retroactively to January 1 of the year in which the local governing body of the authorized municipality enacts such ordinance.

(4) Upon the approval by the local governing body of an economic development plan, or a competitively disadvantaged border community area, or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

50-3216. ACQUISITION AND INCLUSION OF UNUSED OR INAPPROPRIATELY USED LAND IN AN ECONOMIC DEVELOPMENT AREA. (1) An economic development area or a competitively disadvantaged border community area may include any work or undertaking to acquire land or space that is vacant, unused, underused or inappropriately used, including air rights over streets, expressways, and similar locations; land that is occupied by functionally obsolete nonresidential buildings, or is used for low utility purposes, or is covered by shallow water, or is subject to periodic flooding.

(2) An urban renewal agency may exercise the power of eminent domain pursuant to chapter 7, title 7, Idaho Code. Property already devoted to a public use may be acquired in like manner: Provided that no real property belonging to the United States, the state, or any political subdivision of the state, may be acquired without its consent.

50-3217. ACQUISITION AND INCLUSION OF OPEN LAND IN AN ECONOMIC DEVELOPMENT AREA. (1) An urban renewal project may include any work or undertaking to include or acquire open land by virtue of the following conditions:

(a) Unusual and difficult physical characteristics of the ground;

(b) The existence of faulty planning characterized by the subdivision or sale of lots laid out in disregard of the contours or of irregular form and shape or of inadequate size; or

(c) A combination of these or other conditions that have prevented normal development of the land by private enterprise and have resulted in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.

Acquisition and inclusion of such land shall be an urban renewal project

only if an urban renewal plan has been adopted that provides for the elimination of these conditions, thereby making the land useful and valuable for contributing to the public health, safety and welfare and the acquisition of the land is necessary to carry out the redevelopment plan.

(2) An urban renewal agency may exercise the power of eminent domain pursuant to chapter 7, title 7, Idaho Code. Property already devoted to a public use may be acquired in like manner: Provided that no real property belonging to the United States, the state, or any political subdivision of the state, may be acquired without its consent.

50-3218. AMENDMENT TO AN ECONOMIC DEVELOPMENT PLAN. An economic development plan or a competitively disadvantaged border community plan may be modified at any time in the manner set forth in the urban renewal plan: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Notwithstanding the foregoing, no amendment to an existing revenue allocation area shall be interpreted to, or shall, cause an extension of the limitations established for the existing revenue allocation area as set forth in section 50-3238, Idaho Code.

50-3219. DISASTER PROVISION. Notwithstanding any other provisions, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under P.L. 875, eighty-first congress, as amended, or other federal law, the local governing body may approve an economic development plan or a competitively disadvantaged border community plan and an urban renewal project with respect to such area without regard to the foregoing provisions.

50-3220. POWERS. Every urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(1) To undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate urban renewal information;

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project as defined in section 50-3229(10), Idaho Code; to install, construct, and reconstruct streets, utilities, parks, playgrounds, off-street parking facilities, public facilities, other buildings or public improvements for or in connection with an urban renewal



1 project as defined in section 50-3229(10), Idaho Code; and any improvements  
2 necessary or incidental to an urban renewal project; and to agree to any  
3 conditions that it may deem reasonable and appropriate attached to federal  
4 financial assistance and imposed pursuant to federal law relating to the  
5 determination of prevailing salaries or wages or compliance with labor  
6 standards, in the undertaking or carrying out of an urban renewal project and  
7 related activities, and to include in any contract let in connection with  
8 such a project and related activities, provisions to fulfill such of said  
9 conditions as it may deem reasonable and appropriate;

10 (3) Within its area of operation, to enter into any building or  
11 property in any urban renewal area in order to make inspections, surveys,  
12 appraisals, soundings or test borings, and to obtain, upon sufficient  
13 cause and after a hearing on the matter, an order for this purpose from a  
14 court of competent jurisdiction in the event entry is denied or resisted;  
15 to acquire by purchase, lease, option, gift, grant, bequest, devise,  
16 eminent domain or otherwise, any real property (or personal property for  
17 its administrative purposes) together with any improvements thereon; to  
18 hold, improve, renovate, rehabilitate, clear or prepare for redevelopment  
19 or development any such property or buildings; to mortgage, pledge,  
20 hypothecate or otherwise encumber or dispose of any real property; to insure  
21 or provide for the insurance of any real or personal property or operations  
22 of the municipality against any risks or hazards, including the power to pay  
23 premiums on any such insurance; and to enter into any contracts necessary to  
24 effectuate the purposes of this act: Provided however, that no statutory  
25 provision with respect to the acquisition, clearance or disposition of  
26 property by public bodies shall restrict a municipality or other public body  
27 exercising powers hereunder in the exercise of such functions with respect  
28 to an urban renewal project and related activities, unless the legislature  
29 shall specifically so state;

30 (4) With the approval of the local governing body: (a) prior to  
31 approval of an urban renewal plan, or approval of any modifications of  
32 the plan, to acquire real property in an urban renewal area, demolish  
33 and remove any structures on the property, and pay all costs related to  
34 the acquisition, demolition, or removal, including any administrative  
35 or relocation expenses; and (b) to assume the responsibility to bear any  
36 loss that may arise as the result of the exercise of authority under this  
37 subsection in the event that the real property is not made part of the urban  
38 renewal project;

39 (5) To invest any urban renewal funds held in reserves or sinking funds  
40 or any such funds not required for immediate disbursement, in property or  
41 securities in which municipalities may legally invest funds as defined  
42 in section 50-1013, Idaho Code; to redeem such bonds as have been issued  
43 pursuant to section 50-3223, Idaho Code, at the redemption price established  
44 therein or to purchase such bonds at less than redemption price, all such  
45 bonds so redeemed or purchased to be canceled;

46 (6) To borrow money and to apply for and accept advances, loans, grants,  
47 contributions and any other form of financial assistance from the federal  
48 government, the state, county, or other public body, or from any sources,  
49 public or private, for the purposes of this act, and to give such security  
50 as may be required and to enter into and carry out contracts or agreements

1 in connection therewith; and to include in any contract for financial  
2 assistance with the federal government for or with respect to an urban  
3 renewal project and related activities such conditions imposed pursuant to  
4 federal laws as the municipality may deem reasonable and appropriate and  
5 which are not inconsistent with the purposes of this act;

6 (7) Within its area of operation, and in cooperation with building  
7 officials, to make or have made all surveys and plans necessary to the  
8 carrying out of the purposes of this act and to contract with any person,  
9 public or private, in making and carrying out such plans and to adopt or  
10 approve, modify and amend such plans, which plans may include, but are not  
11 limited to:

12 (a) Plans for carrying out a program of voluntary or compulsory repair  
13 and rehabilitation of buildings and improvements;

14 (b) Plans for the enforcement of state and local laws, codes and  
15 regulations relating to the use of land and the use and occupancy  
16 of buildings and improvements and to the compulsory repair,  
17 rehabilitation, demolition, or removal of buildings and improvements;  
18 and

19 (c) Appraisals, title searches, surveys, studies, and other plans and  
20 work necessary to prepare for the undertaking of urban renewal projects  
21 and related activities; and to develop, test, and report methods  
22 and techniques, and carry out demonstrations and other activities,  
23 for the prevention and the elimination of deteriorating areas and  
24 developing and demonstrating new or improved means of providing housing  
25 for families and persons of low and moderate income, and providing  
26 workforce housing, and to apply for, accept and utilize grants of funds  
27 from the federal government for such purposes;

28 (8) To prepare plans for and assist in the relocation of persons  
29 (including individuals, families, business concerns, nonprofit  
30 organizations and others) displaced from an urban renewal area, and  
31 notwithstanding any statute of this state to make relocation payments to  
32 or with respect to such persons for which reimbursement or compensation is  
33 not otherwise made, including the making of such payments financed by the  
34 federal government;

35 (9) To exercise all or any part or combination of powers herein granted;

36 (10) In addition to its powers under subsection (2) of this section,  
37 an agency may construct foundations, platforms, and other like structural  
38 forms necessary for the provision or utilization of air rights sites for  
39 buildings and to be used for residential, commercial, industrial, and other  
40 uses contemplated by the urban renewal plan, and to provide utilities to the  
41 development site;

42 (11) To use, lend or invest funds obtained from the federal government  
43 for the purposes allowable under federal laws or regulations;

44 (12) To adopt, at any time, a revenue allocation financing provision,  
45 as described in sections 50-3235 through 50-3248, Idaho Code, as part of an  
46 urban renewal plan; and to receive revenue allocation funds;

47 (13) To approve the use of revenue allocation funds or sales tax  
48 increment funds for publicly owned infrastructure and improvements outside  
49 of an urban renewal area that the agency and local governing body determine  
50 to be of benefit to the urban renewal area;

1           (14) To adopt and amend bylaws not in conflict with the constitution and  
2 laws of the state for carrying on the business, objects and affairs of the  
3 urban renewal agency; and

4           (15) To expand opportunities for transit and alternative modes of  
5 transportation within its area of operation.

6           50-3221. ACQUISITION OF PROPERTY. An urban renewal agency shall have  
7 the right to acquire by negotiation or condemnation any interest in real  
8 property, including a fee simple title thereto, which it may deem necessary  
9 for or in connection with an urban renewal project and related activities  
10 under this act. An urban renewal agency shall exercise the power of eminent  
11 domain in the manner now or which may be hereafter provided as set forth in  
12 title 7, chapter 7, Idaho Code. Property already devoted to a public use may  
13 be acquired in like manner: Provided, that no real property belonging to the  
14 United States, the state, or any political subdivision of the state, may be  
15 acquired without its consent.

16           50-3222. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA. (1) An urban  
17 renewal agency may sell, lease, or otherwise transfer real property or  
18 any interest therein acquired by it for an urban renewal project, and may  
19 enter into contracts with respect thereto, in an urban renewal area for  
20 residential, recreational, commercial, industrial, educational or other  
21 uses or for public use, or may retain such property or interest for public  
22 use, in accordance with the urban renewal plan, subject to such covenants,  
23 conditions and restrictions, including covenants running with the land,  
24 as it may deem to be necessary or desirable to assist in preventing the  
25 development or spread of future deteriorating areas, or to promote the  
26 creation or retention of commercial or industrial enterprise, or to promote  
27 the construction of low to moderate income housing, or to promote the  
28 construction of workforce housing, or to otherwise carry out the purposes  
29 of this act: Provided, that such sale, lease, other transfer, or retention,  
30 and any agreement relating thereto, may be made only after the approval  
31 of the urban renewal plan by the local governing body. The purchasers or  
32 lessees and their successors and assigns shall be obligated to devote such  
33 real property only to the uses specified in the urban renewal plan, and may  
34 be obligated to comply with such other requirements as the urban renewal  
35 agency may determine to be in the public interest, including the obligation  
36 to begin within a reasonable time any improvements on such real property  
37 required by the urban renewal plan. Such real property or interest shall be  
38 sold, leased, otherwise transferred, or retained at not less than its fair  
39 value for uses in accordance with the urban renewal plan except property  
40 disposed of by it to the community or any other public body, which property  
41 must be disposed of pursuant to the provisions of subsection (6) of section  
42 50-3226, Idaho Code, even though such fair value may be less than the cost of  
43 acquiring and preparing the property for redevelopment or development. In  
44 determining the fair value of real property for uses in accordance with the  
45 urban renewal plan, an urban renewal agency shall take into account and give  
46 consideration to the uses provided in such plan; the restrictions upon, and  
47 the covenants, conditions and obligations assumed by the purchaser or lessee  
48 or by the urban renewal agency retaining the property; and the objectives

1 of such plan for the prevention of the recurrence of deteriorating areas,  
2 for the promotion of the creation or retention of commercial or industrial  
3 enterprise, or for the construction of low and moderate income housing or  
4 workforce housing. The urban renewal agency in any instrument of conveyance  
5 to a private purchaser or lessee may provide that such purchaser or lessee  
6 shall be without power to sell, lease or otherwise transfer the real property  
7 without the prior written consent of the urban renewal agency until he has  
8 completed the construction of any or all improvements that he has obligated  
9 himself to construct thereon. Real property acquired by an urban renewal  
10 agency which, in accordance with the provisions of the urban renewal plan, is  
11 to be transferred, shall be transferred as rapidly as feasible in the public  
12 interest consistent with the carrying out of the provisions of the urban  
13 renewal plan. Any contract for such transfer and the urban renewal plan (or  
14 such part or parts of such contract or plan as the urban renewal agency may  
15 determine) may be recorded in the land records of the county in such manner as  
16 to afford actual or constructive notice thereof.

17 (2) An urban renewal agency may dispose of real property in an urban  
18 renewal area to private persons only under such reasonable competitive  
19 disposition procedures as hereinafter provided in this subsection. An  
20 urban renewal agency shall, by public notice by publication in a newspaper  
21 having a general circulation in the community, thirty (30) days prior to the  
22 execution of any contract to sell, lease or otherwise transfer real property  
23 and prior to the delivery of any instrument of conveyance with respect  
24 thereto under the provisions of this section, invite proposals from and make  
25 available all pertinent information to private redevelopers or any persons  
26 interested in undertaking to redevelop or rehabilitate an urban renewal  
27 area, or any part thereof. Such notice shall identify the area, or portion  
28 thereof, and shall state that proposals shall be made by those interested  
29 within thirty (30) days after the date of publication of said notice, and  
30 that such further information as is available may be obtained at such office  
31 as shall be designated in said notice. The urban renewal agency shall  
32 consider all such redevelopment of rehabilitation proposals, development of  
33 commercial and industrial enterprise proposals, or residential proposals  
34 and the financial and legal ability of the persons making such proposals  
35 to carry them out, and may negotiate with any persons for proposals for the  
36 purchase, lease or other transfer of any real property acquired by the agency  
37 in the urban renewal area. The urban renewal agency may accept such proposal  
38 as it deems to be in the public interest and in furtherance of the purposes  
39 of this act. The agency may execute such contract in accordance with the  
40 provisions of subsection (1) of this section and deliver deeds, leases and  
41 other instruments and take all steps necessary to effectuate such contract.

42 (3) If, after following the procedures set out in subsection (2) of  
43 this section, an urban renewal agency receives no proposals or determines  
44 the ones received are not in accordance with the call for proposals or do  
45 not meet the objectives of this act, the urban renewal agency may reject any  
46 proposals received and then dispose of such real property through reasonable  
47 negotiating procedures after publishing a notice in the newspaper with  
48 greatest circulation that no proposals were received, or that those received  
49 were insufficient.

1       (4) An urban renewal agency may temporarily operate and maintain real  
 2 property acquired by it in an urban renewal area for or in connection with an  
 3 urban renewal project pending the disposition of the property as authorized  
 4 in this act, without regard to the provisions of subsection (1) of this  
 5 section, for such uses and purposes as may be deemed desirable even though  
 6 not in conformity with the urban renewal plan.

7       (5) Any real property acquired pursuant to section 50-3220(4), Idaho  
 8 Code, may be disposed of without regard to other provisions of this section  
 9 if the local governing body has consented to the disposal.

10       (6) Notwithstanding any other provisions of this act, and  
 11 notwithstanding subsection (2) of this section, land in an urban renewal  
 12 project area designated under the urban renewal plan for residential,  
 13 industrial or commercial uses may be disposed of to any public body or  
 14 nonprofit corporation for subsequent development in accordance with the  
 15 urban renewal plan. The public body or nonprofit corporation shall begin  
 16 the building of improvements within a reasonable time as the agency may  
 17 determine. The public body or nonprofit corporation may elect to dispose  
 18 of the land as promptly as practicable for redevelopment in accordance  
 19 with the urban renewal plan, and only the purchaser from or lessee of the  
 20 public body or corporation, and their assignees, shall be required to  
 21 assume the obligation of beginning the building of improvements within a  
 22 reasonable time. Any disposition of land to a nonprofit corporation under  
 23 this subsection shall be made at its fair value for uses in accordance with  
 24 the urban renewal plan. Any disposition of land to a public body under this  
 25 subsection shall be made pursuant to the provisions of subsection (6) of  
 26 section 50-3226, Idaho Code.

27       (7) Property previously acquired or acquired by an agency for  
 28 rehabilitation and resale shall be offered for disposition within five  
 29 (5) years after completion of rehabilitation, or an annual report shall be  
 30 published by the agency in a newspaper of general circulation published  
 31 in the community listing any rehabilitated property held by the agency  
 32 in excess of such five (5) year period, stating the reasons such property  
 33 remains unsold and indicating plans for its disposition.

34       (8) Should conditions change in the urban renewal area rendering real  
 35 property acquired by the agency in the urban renewal area to be unnecessary  
 36 for purposes of the project, the agency board may declare such property to  
 37 be surplus property based upon specific findings setting forth how and why  
 38 conditions changed. Surplus property may be sold by negotiated sale for an  
 39 amount not less than the fair market value appraisal.

40       50-3223. ISSUANCE OF BONDS. (1) An urban renewal agency shall have  
 41 power to issue bonds from time to time in its discretion to finance the  
 42 undertaking of any urban renewal project under this act, including, without  
 43 limiting the generality thereof, the payment of principal and interest  
 44 upon any advances for surveys and plans or preliminary loans, and shall  
 45 also have power to issue refunding bonds for the payment or retirement of  
 46 such bonds previously issued by it. Such bonds shall be made payable, as to  
 47 both principal and interest, solely from the income, proceeds, revenues,  
 48 and funds of the urban renewal agency derived from or held in connection  
 49 with its undertaking and carrying out of urban renewal projects under this

1 act: Provided however, that payment of such bonds, both as to principal  
2 and interest, may be further secured by a pledge of any loan, grant or  
3 contribution from the federal government or other source, in aid of any urban  
4 renewal projects under this act, and by a mortgage of any such urban renewal  
5 projects, or any part thereof, title to which is in the urban renewal agency.

6 (2) Bonds issued under this section shall not constitute an  
7 indebtedness within the meaning of any constitutional or statutory debt  
8 limitation or restriction, and shall not be subject to the provisions of  
9 any other law or charter relating to the authorization, issuance or sale of  
10 bonds. Bonds and other obligations of an urban renewal agency (and such  
11 bonds and obligations shall so state on their face) shall not be a debt of the  
12 municipality, the state or any political subdivision thereof, and neither  
13 the municipality, the state nor any political subdivision thereof shall be  
14 liable thereon, nor in any event shall such bonds or obligations be payable  
15 out of any funds other than those of said urban renewal agency. Bonds issued  
16 under the provisions of this act are declared to be issued for an essential  
17 public and governmental purpose and, together with interest thereon and  
18 income therefrom, shall be exempted from all taxes.

19 (3) Bonds issued under the provisions of this section shall be  
20 authorized by resolution of the urban renewal agency and may be issued in  
21 one (1) or more series and shall bear such date or dates, be payable upon  
22 demand or mature at such time or times, bear interest at a rate or rates, be in  
23 such denomination or denominations, be in such form either with or without  
24 coupon or registered, carry such conversion or registration privileges,  
25 have such rank or priority, be executed in such manner, be payable in such  
26 medium of payment, at such place or places, and be subject to such terms  
27 of repayment, at such place or places, and be subject to such terms of  
28 redemption (with or without premium), be secured in such manner, and have  
29 such other characteristics as may be provided by such resolution or trust  
30 indenture or mortgage issued pursuant thereto.

31 (4) Such bonds may be sold at public sales or private sales or  
32 placements held after notice published prior to such sale in a newspaper  
33 having a general circulation in the area of operation and in such other  
34 medium of publication as the agency may determine or may be exchanged for  
35 other bonds, for such price or prices as determined by the agency. Such  
36 notice does not need to contain information regarding the price of the bonds:  
37 Provided, that such bonds may be sold to the federal government at private  
38 sale or placement for such price or prices as determined by the agency, and,  
39 in the event less than all of the authorized principal amount on such bonds  
40 is sold to the federal government, the balance may be sold at private sale or  
41 placement for such price or prices as determined by the agency.

42 (5) In case any of the officials of the urban renewal agency whose  
43 signatures appear on any bonds or coupons issued under this act shall cease  
44 to be such officials before the delivery of such bonds, such signatures  
45 shall, nevertheless, be valid and sufficient for all purposes, the same as if  
46 such officials had remained in office until such delivery. Any provision of  
47 any law to the contrary notwithstanding, any bonds issued pursuant to this  
48 act shall be fully negotiable.

49 (6) In any suit, action or proceeding involving the validity or  
50 enforceability of any bond issued under this act or the security therefor,

1 any such bond reciting in substance that it has been issued by the agency  
 2 in connection with an urban renewal project, as herein defined, shall be  
 3 conclusively deemed to have been issued for such purpose and such project  
 4 shall be conclusively deemed to have been planned, located and carried out in  
 5 accordance with the provisions of this act.

6 50-3224. BONDS AS LEGAL INVESTMENTS. All banks, trust companies,  
 7 bankers, savings banks and institutions, building and loan associations,  
 8 savings and loan associations, investment companies and other persons  
 9 carrying on a banking or investment business; all insurance companies,  
 10 insurance associations, and other persons carrying on an insurance  
 11 business; and all executors, administrators, curators, trustees, and other  
 12 fiduciaries, may legally invest any sinking funds, moneys, or other funds  
 13 belonging to them or within their control in any bonds or other obligations  
 14 issued by an urban renewal agency pursuant to this act: Provided that such  
 15 bonds and other obligations shall be secured by an agreement between the  
 16 issuer and the federal government in which the issuer agrees to borrow from  
 17 the federal government and the federal government agrees to lend to the  
 18 issuer, prior to the maturity of such bonds or other obligations, moneys in  
 19 an amount which (together with any other moneys irrevocably committed to  
 20 the payment of principal and interest on such bonds or other obligations)  
 21 will suffice to pay the principal of such bonds or other obligations with  
 22 interest to maturity thereon, which moneys under the terms of said agreement  
 23 are required to be used for the purpose of paying the principal of and the  
 24 interest on such bonds or other obligations at their maturity. Such bonds  
 25 and other obligations shall be authorized security for all public deposits.  
 26 It is the purpose of this section to authorize any persons, political  
 27 subdivisions and officers, public or private, to use any funds owned or  
 28 controlled by them for the purchase of any such bonds or other obligations.  
 29 Nothing contained in this section with regard to legal investments shall be  
 30 construed as relieving any person of any duty of exercising reasonable care  
 31 in selecting securities.

32 50-3225. PROPERTY EXEMPT FROM TAXES AND FROM LEVY AND SALE BY VIRTUE  
 33 OF AN EXECUTION. (1) All property of an urban renewal agency, including  
 34 funds, owned or held by it for the purposes of this act shall be exempt from  
 35 levy and sale by virtue of an execution, and no execution or other judicial  
 36 process shall issue against the same nor shall judgment against an agency be  
 37 a charge or lien upon such property: Provided however, that the provisions  
 38 of this section shall not apply to or limit the right of obligees to pursue  
 39 any remedies for the enforcement of and pledge or lien given pursuant to this  
 40 act by an agency on its rents, fees, grants or revenues from urban renewal  
 41 projects.

42 (2) The property of an urban renewal agency, acquired or held for the  
 43 purposes of this act, is declared to be public property used for essential  
 44 public and governmental purposes and effective the date an urban renewal  
 45 agency acquires title to such property it shall be exempt from all taxes  
 46 of the municipality, the county, the state or any political subdivision  
 47 thereof: Provided, that such tax exemption shall terminate when the agency  
 48 sells, leases or otherwise disposes of such property in an urban renewal area

1 for permanent redevelopment to a purchaser or lessee which is not a public  
2 body entitled to tax exemption with respect to such property.

3 50-3226. COOPERATION BY PUBLIC BODIES. (1) For the purpose of aiding  
4 in the planning, undertaking or carrying out of an urban renewal project and  
5 related activities authorized by this act, any public body may, upon such  
6 terms, with or without consideration, as it may determine:

7 (a) Dedicate, sell, convey or lease any of its interest in any property  
8 or grant easements, licenses or other rights or privileges therein to an  
9 urban renewal agency;

10 (b) Incur the entire expense of any public improvements made by such  
11 public body in exercising the powers granted in this section;

12 (c) Do any and all things necessary to aid or cooperate in the planning  
13 or carrying out of an urban renewal plan and related activities;

14 (d) Grant or contribute funds to an urban renewal agency and borrow  
15 money and apply for and accept advances, loans, grants, contributions,  
16 and any other form of financial assistance from the federal government,  
17 the state, county or other public body, or from any other source;

18 (e) Enter into agreements (which may extend over any period,  
19 notwithstanding any provision or rule of law to the contrary) with  
20 the federal government, an urban renewal agency or other public body  
21 respecting action to be taken pursuant to any of the powers granted  
22 by this act, including the furnishing of funds or other assistance in  
23 connection with an urban renewal project and related activities; and

24 (f) Cause administrative and other services to be furnished to the  
25 urban renewal agency consistent with the urban renewal project or  
26 project costs. If at any time title to or possession of any urban  
27 renewal project is held by any public body or governmental agency,  
28 other than the urban renewal agency, which is authorized by law to  
29 engage in the undertaking, carrying out, or administration of urban  
30 renewal projects and related activities, including any agency or  
31 instrumentality of the United States of America, the provisions of the  
32 agreements referred to in this section shall inure to the benefit of and  
33 may be enforced by such public body or governmental agency.

34 (2) Any sale, conveyance, lease or agreement provided for in this  
35 section may be made by a public body without appraisal, public notice,  
36 advertisement or public bidding.

37 (3) For the purpose of aiding in the planning, undertaking or carrying  
38 out of any urban renewal project and related activities of an urban renewal  
39 agency, a municipality may, in addition to its other powers and upon such  
40 terms, with or without consideration, as it may determine, do and perform  
41 any or all of the actions or things which, by the provisions of subsection (1)  
42 of this section, a public body is authorized to do or perform, including the  
43 furnishing of financial and other assistance.

44 (4) For the purposes of this section, a municipality may, in addition to  
45 its other powers:

46 (a) Appropriate such funds and make such expenditures as may be  
47 necessary to carry out the purposes of this act, and levy taxes and  
48 assessments for curbs and gutters, streets and sidewalks; zone or  
49 rezone any part of the municipality or make exceptions from building



1 regulations; and enter into agreements with an urban renewal agency,  
 2 which agreements may extend over any period, notwithstanding any  
 3 provisions or rule of law to the contrary, respecting action to be taken  
 4 by such municipality pursuant to any of the powers granted by this act;

5 (b) Close, vacate, plan or replan streets, roads, sidewalks, ways or  
 6 other places; and plan or replan any part of the municipality;

7 (c) Within its area of operation, organize, coordinate and direct  
 8 the administration of the provisions of this act as they apply to such  
 9 municipality in order that the objectives of remedying deteriorating  
 10 areas and preventing the causes thereof, or promoting the creation or  
 11 retention of residential, commercial or industrial enterprise within  
 12 such municipality may be most effectively promoted and achieved,  
 13 and establish such new office or offices of the municipality or to  
 14 reorganize existing offices in order to carry out such purpose most  
 15 effectively; and

16 (d) Assume the responsibility to bear any loss that may arise as the  
 17 result of the exercise of authority by the urban renewal agency under  
 18 subsection (4) of section 50-3207, Idaho Code, in the event that the  
 19 real property is not made a part of the urban renewal project.

20 (5) For the purposes of this section, or for the purpose of aiding in  
 21 the planning, undertaking or carrying out of an urban renewal project and  
 22 related activities of a municipality, such municipality may issue and sell  
 23 its general obligation bonds. Any bonds issued by a municipality pursuant  
 24 to this section shall be issued in the manner and within the limitations  
 25 prescribed by the applicable laws of this state for the issuance and  
 26 authorization of general obligation bonds by such municipality. Nothing in  
 27 this section shall limit or otherwise adversely affect any other section of  
 28 this act.

29 (6) Purchase and buy or otherwise acquire land in a project area  
 30 from an agency for redevelopment in accordance with the plan, with or  
 31 without consideration, as the agency may determine. Any public body which  
 32 purchases, buys or otherwise acquires land in a project area from an agency  
 33 for development pursuant to this subsection shall become obligated to:

34 (a) Use the property for the purpose designated in the redevelopment  
 35 plans;

36 (b) Begin the redevelopment or development of the project area within a  
 37 period of time which the agency fixes as reasonable; and

38 (c) Comply with other conditions which the agency deems necessary to  
 39 carry out the purposes of this act.

40 50-3227. TITLE OF PURCHASER. Any instrument executed by an urban  
 41 renewal agency and purporting to convey any right, title or interest in  
 42 any property under this act shall be conclusively presumed to have been  
 43 executed in compliance with the provisions of this act insofar as title or  
 44 other interest of any bona fide purchasers, lessees or transferees of such  
 45 property is concerned.

46 50-3228. INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR  
 47 EMPLOYEES. (1) All commissioners and employees of the urban renewal agency

1 are subject to the provisions of chapter 2, title 59, Idaho Code, and chapter  
2 7, title 59, Idaho Code.

3 (2) A commissioner shall not be prohibited from having an interest in  
4 any contract made or entered into by the agency, if he strictly observes the  
5 procedure set out in section 18-1361A, Idaho Code.

6 50-3229. DEFINITIONS. The following terms, wherever used or referred  
7 to in this chapter, shall have the following meanings, unless a different  
8 meaning is clearly indicated by the context:

9 (1) "Agency" or "urban renewal agency" means a public agency created by  
10 section 50-3206, Idaho Code.

11 (2) "Area of operation" means the area within the corporate limits  
12 of the municipality and the area within five (5) miles of such limits,  
13 except that it shall not include any area that lies within the territorial  
14 boundaries of another incorporated city or town or within the unincorporated  
15 area of the county unless a resolution shall have been adopted by the  
16 governing body of such other city, town or county declaring a need therefor.

17 (3) "Board" or "commission" means a board, commission, department,  
18 division, office, body or other unit of the municipality.

19 (4) "Bonds" means any bonds, including refunding bonds, notes,  
20 interim certificates, certificates of indebtedness, debentures or other  
21 obligations.

22 (5) "Budget" means an annual estimate of revenues and expenses for the  
23 following fiscal year of the agency.

24 (6) "Chair" means the chair of the board of county commissioners of a  
25 municipality having the duties customarily imposed upon the executive head  
26 of a municipality.

27 (7) "Clerk" means the clerk or other official of the municipality who is  
28 the custodian of the official records of such municipality.

29 (8) "Competitively disadvantaged border community area" means a parcel  
30 of land consisting of at least forty (40) acres that is situated within the  
31 jurisdiction of a county or an incorporated city and within twenty-five (25)  
32 miles of a state or international border, which the governing body of such  
33 county or incorporated city has determined by ordinance is disadvantaged  
34 in its ability to attract business, private investment, or commercial  
35 development, as a result of a competitive advantage in the adjacent state or  
36 nation resulting from inequities or disparities in comparative sales taxes,  
37 income taxes, property taxes, population or unique geographic features.

38 (9) "Deteriorating area" means an area that is predominantly urbanized  
39 as that term is defined in subsection (16) of this section, and that  
40 by reason of deterioration, faulty planning, inadequate or improper  
41 facilities, deleterious land use or the existence of unsafe structures, or  
42 any combination of these factors, are detrimental to the safety, health or  
43 welfare of the municipality. A deteriorating area is characterized by the  
44 existence of one (1) or more of the following conditions:

45 (a) The existence of buildings and structures, used or intended to be  
46 used for residential, commercial, industrial or other purposes, or any  
47 combination thereof, which are unfit or unsafe for those purposes and  
48 are conducive to ill health, transmission of disease, infant mortality,

1 juvenile delinquency or crime because of any one (1) or a combination of  
 2 the following conditions:

3 (i) Defective design and character of physical construction;  
 4 (ii) Faulty arrangement of the interior and spacing of buildings;  
 5 (iii) Overcrowding;  
 6 (iv) Inadequate provision for ventilation, light, sanitation,  
 7 open spaces and recreational facilities; or  
 8 (v) Age, obsolescence, deterioration, dilapidation, or shifting  
 9 of uses.

10 (b) An economic dislocation, deterioration or disuse.

11 (c) The subdividing and sale of lots of irregular form and shape and  
 12 inadequate size for proper usefulness and development.

13 (d) The laying out of lots in disregard of the contours and other  
 14 physical characteristics of the ground and surrounding conditions.

15 (e) The existence of inadequate streets, open spaces and utilities.

16 (f) The existence of lots or other areas that may be submerged.

17 (g) Prevalence of depreciated values, impaired investments and social  
 18 and economic maladjustment to such an extent that the capacity to pay  
 19 taxes is substantially reduced and tax receipts are inadequate for the  
 20 cost of public services rendered.

21 (h) A growing or total lack of proper utilization of some parts of the  
 22 area, resulting in a stagnant and unproductive condition of land that is  
 23 potentially useful and valuable for contributing to the public health,  
 24 safety and welfare.

25 (i) A loss of population and a reduction of proper use of some parts  
 26 of the area, resulting in its further deterioration and added costs  
 27 to the taxpayer for the creation of new public facilities and services  
 28 elsewhere.

29 (j) The environmental contamination of buildings or property.

30 (k) An area that is predominantly open and that consists primarily  
 31 of an abandoned highway corridor, or that consists of land upon which  
 32 buildings or structures have been demolished and that, because of  
 33 obsolete platting, diversity of ownership, deterioration of structures  
 34 or of site improvements, or otherwise, substantially impairs or arrests  
 35 the sound growth of the community.

36 (l) Any disaster area referred to in section 50-3211, Idaho Code, shall  
 37 constitute a deteriorating area.

38 (10) "Economic development area" means any area or portion of an  
 39 area located within the municipality that does not meet the requirements  
 40 of a deteriorating area and that is characterized by the urban renewal  
 41 agency as an area appropriate for commercial and industrial enterprise,  
 42 public improvements related to housing and residential development, or  
 43 construction of affordable housing, workforce housing or residential  
 44 condominiums, or is a competitively disadvantaged border community area.

45 An economic development area created for development of commercial or  
 46 industrial enterprise should promote the creation or retention of public or  
 47 private jobs within the state through: (a) planning, design, development,  
 48 construction, rehabilitation, business relocation, or any combination of  
 49 these, within a municipality; (b) the provision of the office, industrial,  
 50 manufacturing, warehousing, distribution, parking, public, or other

1 facilities, or other improvements that benefit the state or a municipality;  
 2 or (c) the provision of adequate housing for employees, including the  
 3 planning, design, development, construction, or any combination of these,  
 4 for affordable housing, workforce housing or residential condominiums.

5 Provided however, this definition shall not apply to any agricultural  
 6 operation, as defined in section 22-4502(1), Idaho Code, absent the consent  
 7 of the owner of the agricultural operation, except for an agricultural  
 8 operation that has not been used for three (3) consecutive years.  
 9 Notwithstanding, the definition of "agricultural operation" was not  
 10 meant to include those uses allowed by city or county ordinances.

11 (11) "Federal government" includes the United States of America or any  
 12 agency or instrumentality, corporate or otherwise, of the United States of  
 13 America.

14 (12) "Local governing body" means the city council or board of county  
 15 commissioners of a municipality.

16 (13) "Mayor" means the mayor of a municipality or other officer or  
 17 body having the duties customarily imposed upon the executive head of a  
 18 municipality, such as a city manager.

19 (14) "Municipality" means any incorporated city or county in the state.

20 (15) "Person" means any individual, firm, partnership, corporation,  
 21 company, association, joint stock association, or body politic; and  
 22 includes any trustee, receiver, assignee, or other person acting in a  
 23 similar representative capacity.

24 (16) "Predominantly urbanized" means that not less than sixty-five  
 25 percent (65%) of the land in the project area is either of the following:

26 (a) Has been or is developed for urban uses.

27 (b) Is an integral part of one (1) or more areas developed for urban  
 28 uses that are surrounded or substantially surrounded by parcels that  
 29 have been or are developed for urban uses. Parcels separated by only an  
 30 improved right-of-way shall be deemed adjacent for the purpose of this  
 31 subdivision.

32 Provided that any land in the project area that constitutes a public open  
 33 space, park or other similar public use, shall not be included in calculating  
 34 the sixty-five percent (65%) limit.

35 (17) "Project costs" includes, but is not limited to:

36 (a) Capital costs, including the actual costs of the construction  
 37 of public works or improvements, facilities, buildings, structures,  
 38 and fixtures; the demolition, alteration, remodeling, repair or  
 39 reconstruction of existing buildings, structures, and fixtures; the  
 40 acquisition of equipment to service the district; the removal or  
 41 containment of, or the restoration of soil or ground water affected by,  
 42 environmental pollution; and the clearing and grading of land;

43 (b) Financing costs, including interest during construction and  
 44 capitalized debt service or repair and replacement or other appropriate  
 45 reserves;

46 (c) Real property assembly costs, meaning any deficit incurred  
 47 resulting from the sale or lease by a municipality of real or personal  
 48 property within a revenue allocation district;

49 (d) Professional service costs, including those costs incurred for  
 50 architectural, planning, engineering, and legal advice and services;

1 (e) Direct administrative costs, including reasonable charges for the  
 2 time spent by municipal employees in connection with the implementation  
 3 of a project plan;

4 (f) Relocation costs;

5 (g) Organization costs, including the costs of conducting  
 6 environmental impact and other studies and the costs of informing the  
 7 public with respect to the creation of a revenue allocation area and the  
 8 implementation of project plans;

9 (h) Costs related to the construction or alteration of sewerage  
 10 treatment plants, water treatment plants or other environmental  
 11 protection devices, storm or sanitary sewer lines, water lines,  
 12 or amenities on streets or the rebuilding or expansion of streets,  
 13 the construction, alteration, rebuilding or expansion of which is  
 14 necessitated by the project plan for an urban renewal area and is within  
 15 the area;

16 (i) Costs related to the construction or alteration of sewerage  
 17 treatment plants, water treatment plants or other environmental  
 18 protection devices, storm or sanitary sewer lines, water lines,  
 19 or amenities on streets outside the urban renewal area if the  
 20 construction, alteration, rebuilding or expansion is necessitated  
 21 by the project plan for an urban renewal area, and if at the time the  
 22 construction, alteration, rebuilding or expansion begins there are  
 23 improvements of the kinds named in this subdivision on the land outside  
 24 the district in respect to which the costs are to be incurred;

25 (j) Costs related to the construction of general purpose government  
 26 buildings, municipal buildings, administration buildings, fire  
 27 stations, city police precincts and libraries that predominately serve  
 28 the urban renewal area and costs related to the construction of courts  
 29 or other judicial buildings and predominately serve a deteriorating  
 30 area only;

31 (k) Costs related to economic development and environmental  
 32 improvements within the urban renewal area including, but not limited  
 33 to:

34 (i) Costs of funding economic development programs or events or  
 35 funding the marketing of the urban renewal area as a business or  
 36 arts location; and

37 (ii) Costs of funding environmental improvement projects;

38 (l) Costs related to transit including, but not limited to:

39 (i) Costs, both within and outside of the urban renewal area, of  
 40 adding to the municipality's existing transit system or creating a  
 41 new transit service including, but not limited to, salaries, fuel  
 42 and maintenance; and

43 (ii) Costs of funding capital investments including, but  
 44 not limited to: transit vehicles, such as buses, vans,  
 45 rail conveyances and related equipment; bus shelters and  
 46 other transit-related structures; benches, signs and other  
 47 transit-related infrastructure; bicycle lane construction  
 48 and other bicycle-related improvements; and such pedestrian  
 49 improvements as crosswalks, crosswalk signals and warning systems  
 50 and crosswalk curb treatments. Costs of vehicles are included

whether wholly or partially operating within the urban renewal area. Costs relative to fixed improvements are included only if those improvements are located within the urban renewal area.

(m) Other costs incidental to any of the foregoing costs. Notwithstanding the provisions of subsections (a) through (l) of this section, an agency may not use revenue allocation funds to construct general purpose government buildings, municipal buildings, administration buildings, fire stations, city police precincts and libraries that do not predominately serve the urban renewal area, and to construct courts or other judicial buildings that do not predominately serve a deteriorating area provided that the urban renewal agency may use nonrevenue allocation funds for such purposes.

(18) "Public body" means the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(19) "Public officer" means any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(20) "Obligee" includes any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(21) "Open land" means vacant or unimproved land or land not developed beyond agricultural or forestry use.

(22) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(23) "Related activities" means the functions related to the acquisition and disposal of real property pursuant to section 50-3220(4), Idaho Code.

(24) "Transit" means transportation systems in which people travel by means other than by private passenger vehicle including, but not limited to, bus systems, streetcars, light rail and other rail systems.

(25) "Transit facility" means a place providing access to transit services, including, but not limited to, bus stops, bus stations, interchanges on a highway used by one (1) or more transit providers, train stations, shuttle terminals and bus rapid transit stops.

(26) "Urban renewal area" means a deteriorating area, an economic development area, or a combination thereof which the local governing body designates as appropriate for an urban renewal project, and to which an urban renewal plan, and all amendments thereto, is applicable.

Provided however, an urban renewal area shall not apply to any agricultural operation, as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive

1 years. Notwithstanding, the definition of "agricultural operation" was not  
2 meant to include those uses allowed by city or county ordinances.

3 (27) "Urban renewal plan" means a plan, as it exists from time to time,  
4 for an urban renewal project, which plan:

5 (a) Shall conform to the general plan for the municipality as a whole;  
6 and

7 (b) Shall be sufficiently complete to indicate such land acquisition,  
8 demolition and removal of structures, redevelopment, development,  
9 improvements, and rehabilitation as may be proposed to be carried out in  
10 the urban renewal area, zoning and planning changes, if any, land uses,  
11 maximum densities, building requirements, and any method or methods  
12 of financing such plan, which methods may include revenue allocation  
13 financing provisions.

14 (28) "Urban renewal project" may include undertakings and activities  
15 of a municipality in an urban renewal area for the elimination and for the  
16 prevention of the development or spread of deteriorating areas, may include  
17 the designation and development of an economic development area, and may  
18 involve clearance of structures and redevelopment in an urban renewal area,  
19 or development, or rehabilitation or conservation in an urban renewal area,  
20 or any combination or part thereof in accordance with an urban renewal plan.  
21 Such undertakings and activities may include:

22 (a) Acquisition of a deteriorating area, an economic development area,  
23 or portion thereof;

24 (b) Demolition and removal of buildings and improvements;

25 (c) Installation, construction, or reconstruction of streets,  
26 utilities, parks, pedestrian infrastructure including, but not limited  
27 to, pathways, sidewalks, streetscapes, plazas and other open spaces;  
28 playgrounds and recreation facilities that predominately serve the  
29 project area; off-street parking facilities; transit systems or  
30 services; public facilities or buildings and other improvements  
31 necessary for carrying out in the urban renewal area the urban renewal  
32 objectives of this chapter in accordance with the urban renewal plan;

33 (d) Disposition of any property acquired in the urban renewal area,  
34 including sale, initial leasing or retention by the agency itself, at  
35 its fair value for uses in accordance with the urban renewal plan except  
36 for disposition of property to another public body;

37 (e) Carrying out plans for a program of voluntary or compulsory repair  
38 and rehabilitation of buildings or other development, or improvements  
39 in accordance with the urban renewal plan;

40 (f) Acquisition of real property in the urban renewal area which, under  
41 the urban renewal plan, is to be repaired or rehabilitated for dwelling  
42 use or related facilities, repair or rehabilitation of the structures  
43 for guidance purposes, and resale of the property;

44 (g) Acquisition of any other real property in the urban renewal  
45 area where necessary to eliminate unhealthful, insanitary or unsafe  
46 conditions, eliminate obsolete or other uses detrimental to the  
47 public welfare, or otherwise to remove or to prevent the spread of  
48 a deteriorating area, or to promote the creation or retention of  
49 residential, commercial or industrial enterprise, or to provide land  
50 for needed public facilities;

- 1 (h) Using, lending or investing federal funds;
- 2 (i) Construction of foundations, platforms and other like structural
- 3 forms;
- 4 (j) Construction of improvements to the exterior portions of buildings
- 5 in order to bring buildings within the urban renewal area into
- 6 conformity with an architectural theme;
- 7 (k) Construction of affordable housing as defined in section
- 8 67-8203(1), Idaho Code;
- 9 (l) Construction of workforce housing that applies to households that
- 10 earn from eighty percent (80%) to one hundred forty percent (140%) of
- 11 the area median income (AMI);
- 12 (m) Acquisition of vehicles for transit including, but not limited to,
- 13 rolling stock and buses;
- 14 (n) Construction of transit facilities;
- 15 (o) Construction of maintenance facilities and energy facilities;
- 16 (p) Construction of sustainable infrastructure projects to further
- 17 the goals of conserving energy, water and natural resources,
- 18 reducing greenhouse gas emissions, improving air and water quality,
- 19 encouraging low-impact energy production and use, and preserving and
- 20 creating green space. Such projects include, but are not limited to,
- 21 public transportation, geothermal heating systems, high-efficiency
- 22 buildings, local energy production, stormwater runoff reuse programs,
- 23 and street trees and other plantings;
- 24 (q) Carrying out plans for compliance with the Americans with
- 25 disabilities act, or other improvements in accordance with the urban
- 26 renewal plan;
- 27 (r) Acquisition of works of art, including sculptures, statues,
- 28 paintings, murals, and other cultural items to be displayed in a public
- 29 area or plaza and which is in accordance with the urban renewal plan;
- 30 (s) Construction of facilities including, but not limited to, land,
- 31 rights in land, buildings, structures, machinery, landscaping,
- 32 extension of utility services, approaches, roadways and parking,
- 33 handling and storage areas and similar auxiliary and related
- 34 facilities;
- 35 (t) Construction of telecommunications infrastructure to further the
- 36 public purpose of bringing access to information and technology to
- 37 urban and rural areas; and
- 38 (u) Construction of improvements to buildings for purposes of historic
- 39 preservation.

40 50-3230. ANNUAL BUDGET -- BUDGET FOR PLAN TERMINATION. (1) An  
 41 agency shall, by September 30 of each calendar year except as set forth in  
 42 subsection (2) of this section, adopt and publish, as described in section  
 43 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend  
 44 its adopted budget using the same procedures as used for adoption of the  
 45 budget.

46 (2) For the fiscal year that immediately predates the termination date  
 47 for an urban renewal plan involving a revenue allocation area or will include  
 48 the termination date, the agency shall by September 1 adopt and publish a  
 49 budget specifically for the projected revenues and expenses of the plan



1 and make a determination as to whether the revenue allocation area can be  
 2 terminated before January 1 of the termination year pursuant to the terms of  
 3 section 50-3241(4), Idaho Code.

4 (3) In the event that the agency determines that current tax year  
 5 revenues are sufficient to cover all estimated expenses for the current year  
 6 and all future years, by September 1 the agency shall adopt a resolution  
 7 advising and notifying the local governing body, the county auditor, and  
 8 the state tax commission and recommending the adoption of an ordinance for  
 9 termination of the revenue allocation area by December 31 of the current year  
 10 and declaring a surplus to be distributed as described in section 50-3241,  
 11 Idaho Code, should a surplus be determined to exist. The agency shall cause  
 12 the ordinance to be filed with the office of the county recorder and the  
 13 Idaho state tax commission as provided in section 63-215, Idaho Code. Upon  
 14 notification of revenues sufficient to cover expenses as provided herein,  
 15 the increment value of that revenue allocation area shall be included in the  
 16 net taxable value of the appropriate taxing districts when calculating the  
 17 subsequent property tax levies pursuant to section 63-803, Idaho Code. The  
 18 increment value shall also be included in subsequent notification of taxable  
 19 value for each taxing district pursuant to section 63-1312, Idaho Code,  
 20 and subsequent certification of actual and adjusted market values for each  
 21 school district pursuant to section 63-315, Idaho Code.

22 50-3231. LIMITATIONS ON REVIEW OF ADOPTION OR MODIFICATION OF  
 23 PLAN, AND ISSUANCE OF BONDS. (1) No direct or collateral action attacking  
 24 or otherwise questioning the validity of any urban renewal plan,  
 25 project or modification thereto, including one (1) containing a revenue  
 26 allocation provision, or the adoption or approval of such plan, project or  
 27 modification, or any of the findings or determinations of the agency or the  
 28 local governing body in connection with such plan, project or modification,  
 29 shall be brought prior to the effective date of the ordinance adopting or  
 30 modifying the plan. No direct or collateral action attacking or otherwise  
 31 questioning the validity of bonds issued pursuant to section 50-3223, Idaho  
 32 Code, shall be brought prior to the effective date of the resolution or  
 33 ordinance authorizing such bonds.

34 (2) For a period of thirty (30) days after the effective date of the  
 35 ordinance or resolution, any person in interest shall have the right to  
 36 contest the legality of such ordinance, resolution or proceeding or any  
 37 bonds which may be authorized thereby. No contest or proceeding to question  
 38 the validity or legality of any ordinance, resolution or proceeding, or  
 39 any bonds which may be authorized thereby, passed or adopted under the  
 40 provisions of this chapter shall be brought in any court by any person for  
 41 any cause whatsoever, after the expiration of thirty (30) days from the  
 42 effective date of the ordinance, resolution or proceeding, and after such  
 43 time the validity, legality and regularity of such ordinance, resolution or  
 44 proceeding or any bonds authorized thereby shall be conclusively presumed.  
 45 If the question of the validity of any adopted plan or bonds issued pursuant  
 46 to this chapter is not raised within thirty (30) days from the effective date  
 47 of the ordinance, resolution or proceeding issuing said bonds and fixing  
 48 their terms, the authority of the plan, the authority adopting the plan, or  
 49 the authority to issue the bonds, and the legality thereof, the same shall

1 be conclusively presumed and no court shall thereafter have authority to  
2 inquire into such matters.

3 50-3232. SEVERABILITY. The provisions of the Idaho Urban Reinvestment  
4 Act as it now exists or may hereafter be amended are hereby declared to  
5 be severable and if any provision of this act or the application of such  
6 provision to any person or circumstance is declared invalid for any reason,  
7 such declaration shall not affect the validity of remaining portions of this  
8 act.

9 50-3233. LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY  
10 1, 2011 -- AMENDMENT OF PREVIOUSLY ADOPTED URBAN RENEWAL PLAN. (1) Nothing in  
11 this chapter may be construed to:

12 (a) Impose a requirement or obligation on an urban renewal agency, with  
13 respect to an urban renewal plan adopted or urban renewal agency action  
14 taken, that was not imposed by the law in effect at the time the urban  
15 renewal plan was adopted or the action taken;

16 (b) Prohibit an urban renewal agency from taking an action that:

17 (i) Was allowed by the law in effect immediately before an  
18 applicable amendment to this title;

19 (ii) Is permitted or required under the urban renewal plan adopted  
20 before the amendment; and

21 (iii) Is not explicitly prohibited under this title;

22 (c) Revoke any right to challenge any action of the urban renewal agency  
23 that had already expired; or

24 (d) Require an urban renewal plan to contain a provision that was not  
25 required by the law in effect at the time the urban renewal plan was  
26 adopted.

27 (2) (a) An urban renewal plan created after this title becomes  
28 effective must be created as provided in this title. Amendments to  
29 an urban renewal plan created before this title becomes effective are  
30 subject only to the provisions of chapters 20 and 29, title 50, Idaho  
31 Code, unless the amendment extends the termination date as allowed  
32 pursuant to section 50-3238, Idaho Code.

33 (b) Any urban renewal agency created after this title becomes effective  
34 shall be subject to this title.

35 50-3234. AGENCY HAS NO POWER OF TAXATION. No Agency created by this  
36 chapter has any power to levy or assess any real property taxes, personal  
37 property taxes, or any other form of taxes.

38 50-3235. SHORT TITLE. Sections 50-3235 through 50-3248, Idaho Code,  
39 shall be known and may be cited as the "Local Economic Development Act."

40 50-3236. FINDINGS AND PURPOSE. It is hereby found and declared that  
41 there exists in municipalities of the state a need to raise revenue to  
42 finance the economic growth and development of urban renewal areas and  
43 competitively disadvantaged border community areas. The purpose of this  
44 act is to provide for the allocation of a portion of the property taxes  
45 levied against taxable property located in a revenue allocation area for a

1 limited period of time to assist in the financing of urban renewal plans,  
 2 to encourage private development in urban renewal areas and competitively  
 3 disadvantaged border community areas, to promote the creation or retention  
 4 of residential, commercial or industrial enterprise, to prevent or arrest  
 5 the decay of urban areas due to the inability of existing financing methods  
 6 to promote needed public improvements, to encourage affected taxing  
 7 districts to cooperate in the allocation of future tax revenues arising in  
 8 urban areas and competitively disadvantaged border community areas in order  
 9 to facilitate the long-term growth of their common tax base, and to encourage  
 10 private investment within urban areas and competitively disadvantaged  
 11 border community areas. The foregoing purposes are hereby declared to be  
 12 valid public purposes for municipalities.

13 50-3237. DEFINITIONS. In addition to the definitions set forth in  
 14 section 50-3229, the following terms used in sections 50-3235 through  
 15 50-3248, Idaho Code, shall have the following meanings, unless the context  
 16 otherwise requires:

17 (1) "Affected taxing district" means a taxing district which levied  
 18 or certified for levy a property tax on any portion of the taxable property  
 19 located within an urban renewal area.

20 (2) "Base assessment roll" means the equalized assessment rolls,  
 21 for all classes of taxable property, on January 1 of the year in which the  
 22 local governing body of an authorized municipality passes an ordinance  
 23 adopting or modifying an urban renewal plan containing a revenue allocation  
 24 financing provision, except that the base assessment roll shall be adjusted  
 25 as follows: the equalized assessment valuation of the taxable property in  
 26 a revenue allocation area as shown upon the base assessment roll shall be  
 27 reduced by the amount by which the equalized assessed valuation as shown on  
 28 the base assessment roll exceeds the current equalized assessed valuation  
 29 of any taxable property located in the revenue allocation area, and by the  
 30 equalized assessed valuation of taxable property in such revenue allocation  
 31 area that becomes exempt from taxation subsequent to the date of the base  
 32 assessment roll. The equalized assessed valuation of the taxable property  
 33 in a revenue allocation area as shown on the base assessment roll shall be  
 34 increased by the equalized assessed valuation, as of the date of the base  
 35 assessment roll, of taxable property in such revenue allocation area that  
 36 becomes taxable after the date of the base assessment roll.

37 (3) "Increment value" means the total value calculated by summing the  
 38 differences between the current equalized value of each taxable property in  
 39 the revenue allocation area and that property's current base value on the  
 40 base assessment roll, provided such difference is a positive value.

41 (4) "Revenue allocation area" means a contiguous geographic area  
 42 within a municipality defined and created by ordinance of the local  
 43 governing body.

44 (5) "Sponsoring municipality" means an incorporated city, or county,  
 45 or a combination of both, which has established an urban renewal agency,  
 46 or by ordinance has identified and created a competitively disadvantaged  
 47 border community and has adopted an urban renewal plan containing a revenue  
 48 allocation provision.

49 (6) "State" means the state of Idaho.

1       (7) "Tax" or "taxes" means all property tax levies upon taxable  
2 property.

3       (8) "Taxable property" means taxable real property, personal property,  
4 operating property, or any other tangible or intangible property included on  
5 the equalized assessment rolls.

6       (9) "Taxing district" means any entity or unit with statutory authority  
7 to levy a property tax.

8       (10) "Termination date" means for an urban renewal area based upon  
9 a finding that the area is an economic development area and that no part  
10 contains a deteriorating area is a specific date no later than twenty (20)  
11 years from the effective date of an urban renewal plan or as described in  
12 section 50-3238, Idaho Code, on which date the plan shall terminate. The  
13 termination date for an urban renewal area, based upon a finding that the  
14 area, is a deteriorating area is a specific date no later than twenty (20)  
15 years from the effective date of the urban renewal plan or as described  
16 in section 50-3238, Idaho Code, on which date the plan shall terminate.  
17 Each urban renewal plan shall have a termination date that can be modified  
18 or extended subject to the twelve (12) year maximum limitation for urban  
19 renewal plans based upon a finding that the area is an economic development  
20 area and twenty (20) year maximum limitation for urban renewal plans based  
21 upon a finding that the area is a deteriorating area. Provided however,  
22 the duration of a revenue allocation financing provision may be extended as  
23 provided in section 50-3225, Idaho Code.

24       50-3238. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized  
25 municipality is hereby authorized and empowered to adopt, at any time,  
26 a revenue allocation financing provision, as described in this chapter,  
27 as part of an urban renewal plan or competitively disadvantaged border  
28 community area ordinance. A revenue allocation financing provision may  
29 be adopted either at the time of the original adoption of an urban renewal  
30 plan or the creation by ordinance of a competitively disadvantaged border  
31 community area or thereafter as a modification of an urban renewal plan or  
32 the ordinance creating the competitively disadvantaged border community  
33 area. Urban renewal plans existing prior to the effective date of this  
34 section may be modified to include a revenue allocation financing provision.  
35 Except as provided in subsections (1) and (2) of this section, no revenue  
36 allocation provision of an urban renewal plan for an urban renewal area based  
37 upon a finding that the area is solely an economic development area, that  
38 in no part contains a deteriorating area, or competitively disadvantaged  
39 border community area ordinance, including all amendments thereto, shall  
40 have a duration exceeding twelve (12) years from the date the plan is  
41 approved by the municipality; and provided further, no additions to the land  
42 area of an existing revenue allocation area shall be permitted. Provided  
43 further, no revenue allocation provision of an urban renewal plan for an  
44 urban renewal area based upon a finding that the area is a deteriorating  
45 area, that may contain an economic development area, including all  
46 amendments thereto, shall have a duration exceeding twenty (20) years  
47 from the date the ordinance is approved by the municipality; and provided  
48 further, no additions to the land area of an existing revenue allocation area  
49 shall be interpreted to or shall cause an extension of the date of the twenty

1 (20) year limit that was originally established for the revenue allocation  
 2 area shall be permitted. Notwithstanding these limitations, the duration of  
 3 the revenue allocation financing provision may be extended if:

4 (1) The maturity date of any bonds issued to provide funds for a  
 5 specific project in the revenue allocation area and payable from the  
 6 revenue allocation financing provision exceeds the duration of the revenue  
 7 allocation financing provision, provided such bond maturity is not greater  
 8 than twenty (20) years for an urban renewal area based upon a finding that the  
 9 area is solely an economic development area, and no greater than twenty-four  
 10 (24) years for an urban renewal area based upon a finding that the area is a  
 11 deteriorating area, or a combination of a deteriorating area and an economic  
 12 development area; or

13 (2) The urban renewal agency determines that it is necessary to  
 14 refinance outstanding bonds payable from the revenue allocation financing  
 15 provision to a maturity exceeding the twelve (12) year duration of the  
 16 revenue allocation financing provision for an urban renewal area based  
 17 upon a finding that the area is solely an economic development area, or  
 18 to a maturity exceeding the twenty-four (24) year duration of the revenue  
 19 allocation financing provision for an urban renewal area based upon a  
 20 finding that the area is a deteriorating area, or a combination of a  
 21 deteriorating area and an economic development area in order to avoid a  
 22 default on the bonds.

23 (3) During the extensions set forth in subsections (1) and (2) of  
 24 this section, any revenue allocation area revenues exceeding the amount  
 25 necessary to repay the bonds during the period exceeding the maximum year  
 26 maturity of the revenue allocation financing provision shall be returned to  
 27 the affected taxing districts in the revenue allocation area on a pro rata  
 28 basis.

29 (4) A budget for plan termination is required as set forth in section  
 30 50-3230, Idaho Code.

31 50-3239. TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION AND OTHER  
 32 DOCUMENTS TO TAXING AGENCIES. (1) After the effective date of an ordinance  
 33 enacted by the local governing body of an authorized municipality, the clerk  
 34 of the authorized municipality shall transmit, to the county auditor and tax  
 35 assessor of the county in which the revenue allocation area is located, to  
 36 the affected taxing districts, and to the state tax commission, a copy of the  
 37 ordinance enacted, a copy of the legal description of the boundaries of the  
 38 revenue allocation area, and a map indicating the boundaries of the revenue  
 39 allocation area.

40 (2) For revenue allocation areas extending beyond the corporate  
 41 municipal boundary of the municipality, the copy of the ordinance enacted  
 42 by the authorized municipality shall include, as an attachment, a copy of  
 43 the transfer of powers ordinance adopted by the cooperating county under  
 44 sections 50-3209(1)(b) and 50-3213(1)(b), Idaho Code.

45 (3) Such documents required by subsections (1) and (2) of this section  
 46 shall be transmitted within the time required by section 63-215, Idaho Code.

47 50-3240. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND --  
 48 LIMITATIONS. (1) For purposes of calculating the rate at which taxes shall be

1 levied by or for each affected taxing district in which a revenue allocation  
2 area is located, the county commissioners shall, with respect to the  
3 taxable property located in such revenue allocation area, use the equalized  
4 assessed value of such taxable property as shown on the base assessment roll  
5 rather than on the current equalized assessed valuation of such taxable  
6 property, except the current equalized assessed valuation shall be used for  
7 calculating the tax rate for:

8 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho  
9 Code, and any judgment pursuant to section 33-802(1), Idaho Code,  
10 certified after December 31, 2007;

11 (b) Levies permitted pursuant to section 63-802(3), Idaho Code,  
12 certified after December 31, 2007;

13 (c) Levies for voter approved general obligation bonds of any taxing  
14 district and plant facility reserve fund levies passed after December  
15 31, 2007;

16 (d) Levies set forth in paragraphs (1)(a) through (c) of this  
17 subsection, first certified prior to December 31, 2007, when the  
18 property affected by said levies is included within the boundaries of a  
19 revenue allocation area by an amendment to the boundaries of either the  
20 revenue allocation area or any taxing district after December 31, 2007,  
21 except in the case of the consolidation of existing revenue allocation  
22 areas; and

23 (e) School levies for supplemental maintenance and operation pursuant  
24 to section 33-802(3) and (4), Idaho Code, approved after December 31,  
25 2007.

26 (2) With respect to each such affected taxing district, the tax rate  
27 calculated under subsection (1) of this section shall be applied to the  
28 current equalized assessed valuation of all taxable property in the affected  
29 taxing district, including the taxable property in the revenue allocation  
30 area. The tax revenues thereby produced shall be allocated as follows:

31 (a) To the affected taxing district shall be allocated and shall be paid  
32 by the county treasurer:

33 (i) All taxes levied by the affected taxing district or on its  
34 behalf on taxable property located within the affected taxing  
35 district but outside the revenue allocation area;

36 (ii) A portion of the taxes levied by the affected taxing district  
37 or on its behalf on the taxable property located within the  
38 revenue allocation area, which portion is the amount produced  
39 by applying the affected taxing district's tax rate determined  
40 under subsection (1) of this section to the equalized assessed  
41 valuation, as shown on the base assessment roll, of the taxable  
42 property located within the revenue allocation area; and

43 (iii) All taxes levied by the taxing district to satisfy  
44 obligations specified in subsection (1)(a) through (e) of this  
45 section.

46 (b) To the urban renewal agency shall be allocated the balance, if any,  
47 of the taxes levied on the taxable property located within the revenue  
48 allocation area. New revenue allocation areas created after December  
49 31, 2007, shall be entitled to the taxes generated by levies set forth

1 in subsections (1)(a) through (c) of this section certified prior to  
2 December 31, 2007.

3 (3) Upon enactment of an ordinance adopting a revenue allocation  
4 financing provision as part of an urban renewal plan, the urban renewal  
5 agency shall create a special fund or funds to be used for the purposes  
6 enumerated in this chapter. The revenues allocated to the urban renewal  
7 agency pursuant to this chapter, shall be paid to the agency by the treasurer  
8 of the county in which the revenue allocation district is located and shall  
9 be deposited by the agency into one (1) or more of such special funds. The  
10 agency may, in addition, deposit into such special fund or funds such other  
11 income, proceeds, revenues and funds it may receive from sources other than  
12 the revenues allocated to it under subsection (2)(b) of this section.

13 (4) For the purposes of section 63-803, Idaho Code, during the period  
14 when revenue allocation under this chapter is in effect, and solely with  
15 respect to any affected taxing district in which a revenue allocation area is  
16 located, the county commissioners shall, in fixing any tax levy other than  
17 the levy specified in subsection (1)(a) through (e) of this section, take  
18 into consideration the equalized assessed valuation of the taxable property  
19 situated in the revenue allocation area as shown in the base assessment roll,  
20 rather than the current equalized assessed value of such taxable property.

21 (5) For all other purposes, including, without limitation, for  
22 purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in  
23 the Idaho Code to the term "market value for assessment purposes," or any  
24 other such similar term, shall mean market value for assessment purposes as  
25 defined in section 63-208, Idaho Code.

26 (6) For an urban renewal plan adopted on or after July 1, 2010, an urban  
27 renewal agency shall not be allocated any revenue allocation exceeding the  
28 limitations under the provisions of this subsection if:

29 (a) The base assessment roll or rolls of revenue allocation area or  
30 areas exceeds, at the time the revenue allocation area is adopted, a  
31 figure equal to ten percent (10%) of the current assessed valuation of  
32 all taxable property within the sponsoring municipality; or

33 (b) The urban renewal land area of the revenue allocation area, when  
34 added to the areas included in other revenue allocation area of the  
35 sponsoring municipality providing revenue allocation financing,  
36 exceeds a figure equal to fifteen percent (15%) of the total land area of  
37 the sponsoring municipality.

38 (7) The state tax commission must issue a preliminary certification  
39 statement prior to the passage of the ordinance containing a revenue  
40 allocation provision as set forth in section 50-3209(g) and (h), Idaho  
41 Code, and section 50-3215(f) and (g), Idaho Code, that the urban renewal  
42 plan complies with the requirements of subsection (6) of this section. No  
43 allocation of revenue allocation to the urban renewal agency shall occur  
44 until the urban renewal plan meets the requirements of subsection (6) of this  
45 section as certified by the state tax commission.

46 50-3241. ISSUANCE OF BONDS -- BOND PROVISIONS. (1) If the local  
47 governing body of an authorized municipality has enacted an ordinance  
48 adopting a revenue allocation financing provision as part of an urban

1 renewal plan, the urban renewal agency established by such municipality is  
2 hereby authorized and empowered:

3 (a) To apply the revenues allocated to it pursuant to section 50-3240,  
4 Idaho Code, for payment of the projected costs of any urban renewal  
5 project located in the revenue allocation area;

6 (b) To borrow money, incur indebtedness and issue one (1) or more series  
7 of bonds to finance or refinance, in whole or in part, the urban renewal  
8 projects authorized pursuant to such plan within the limits established  
9 by paragraph (c) of this subsection; and

10 (c) To pledge irrevocably to the payment of principal of and interest  
11 on such moneys borrowed, indebtedness incurred or bonds issued by the  
12 agency the revenues allocated to it pursuant to section 50-3240, Idaho  
13 Code. All bonds issued under this section shall be issued in accordance  
14 with section 50-3223, Idaho Code, except that such bonds shall be  
15 payable solely from the special fund or funds established pursuant to  
16 section 50-3227, Idaho Code.

17 (2) The agency shall be obligated and bound to pay such borrowed moneys,  
18 indebtedness, and bonds as the same shall become due, but only to the extent  
19 that the moneys are available in a special fund or funds established under  
20 section 50-3240, Idaho Code; and the agency is authorized to maintain an  
21 adequate reserve therefor from any moneys deposited in such a special fund  
22 or funds.

23 (3) Nothing in this chapter shall in any way impair any powers an urban  
24 renewal agency may have under subsection (1) of section 50-3223, Idaho Code.

25 (4) When the revenue allocation area plan budget, as described in  
26 section 50-3240, Idaho Code, estimates that all financial obligations  
27 have been provided for, the principal of and interest on such moneys,  
28 indebtedness and bonds have been paid in full, or when deposits in the  
29 special fund or funds created under this chapter are sufficient to pay  
30 such principal and interest as they come due, and to fund reserves, if any,  
31 or any other obligations of the agency funded through revenue allocation  
32 proceeds shall be satisfied and the agency has determined no additional  
33 project costs need be funded through revenue allocation financing, the  
34 allocation of revenues under section 50-3240, Idaho Code, shall thereupon  
35 cease; any moneys in such fund or funds in excess of the amount necessary  
36 to pay such principal and interest shall be distributed to the affected  
37 taxing districts in which the revenue allocation area is located in the same  
38 manner and proportion as the most recent distribution to the affected taxing  
39 districts of the taxes on the taxable property located within the revenue  
40 allocation area; and the powers granted to the urban renewal agency under  
41 section 50-3241, Idaho Code, shall thereupon terminate.

42 50-3242. BONDS NOT GENERAL OBLIGATION OF AGENCY OR MUNICIPALITY.  
43 Except to the extent of moneys deposited in a special fund or funds under this  
44 act and pledged to the payment of the principal of and interest on bonds or  
45 other obligations, the agency shall not be liable on any such bonds or other  
46 obligations. The bonds issued and other obligations incurred by any agency  
47 under this chapter shall not constitute a general obligation or debt of any  
48 municipality, the state or any of its political subdivisions. In no event  
49 shall such bonds or other obligations give rise to general obligation or



liability of the agency, the municipality, the state, or any of its political subdivisions, or give rise to a charge against their general credit or taxing powers, or be payable out of any funds or properties other than the special fund or funds of the agency pledged therefor; and such bonds and other obligations shall so state on their face. Such bonds and other obligations shall not constitute an indebtedness or the pledging of faith and credit within the meaning of any constitutional or statutory debt limitation or restriction.

50-3243. LEGISLATIVE CONSTRUCTION. Neither this act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the agency might otherwise have under any laws of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. No proceedings, notice or approval shall be required for the issuance of any bonds, notes and other obligations or any instrument as security therefor, except as is provided in this act.

50-3244. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

50-3245. LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY 1, 2011 -- AMENDMENT OF PREVIOUSLY ADOPTED URBAN RENEWAL PLAN. (1) Nothing in this chapter may be construed to:

(a) Impose a requirement or obligation on an urban renewal agency, with respect to an urban renewal plan adopted or urban renewal agency action taken, that was not imposed by the law in effect at the time the urban renewal plan was adopted or the action taken;

(b) Prohibit an urban renewal agency from taking an action that:

(i) Was allowed by the law in effect immediately before an applicable amendment to this title;

(ii) Is permitted or required under the urban renewal plan adopted before the amendment; and

(iii) Is not explicitly prohibited under this title;

(c) Revoke any right to challenge any action of the urban renewal agency that had already expired; or

(d) Require an urban renewal plan to contain a provision that was not required by the law in effect at the time the urban renewal plan was adopted.

(2) (a) An urban renewal plan created after this chapter becomes effective must be created as provided in this title. Amendments to an urban renewal plan created before this chapter becomes effective are subject only to the provisions of chapters 20 and 29, title 50, Idaho Code, unless the amendment seeks to extend the termination date as allowed pursuant to section 50-3238, Idaho Code.

1           (b) Any urban renewal agency created after this title becomes effective  
2           shall be subject to this chapter.

3           50-3246. JOINT POWERS AGREEMENT. Public entities that partner with  
4           the urban renewal agency for an urban renewal project are required to enter  
5           into a joint powers agreement that expressly sets forth the authority of  
6           each entity to enter into the transaction and each entity's responsibilities  
7           under the transaction.

8           50-3247. TAX AND SPECIAL ASSESSMENT EXEMPTIONS. The property of an  
9           urban renewal agency is declared to be public property used for essential  
10          public purposes and such property and an agency shall be exempt from all  
11          taxes and special assessments of the city, the county, the state or any  
12          political subdivision thereof.